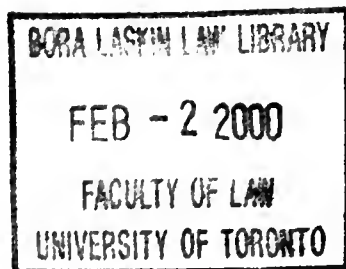




**LIBRARY USE ONLY**









# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—01—24

## ONTARIO REGULATION 1/98 made under the REGISTRY ACT

Made: January 6, 1998  
Filed: January 6, 1998

### OFFICE HOURS

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Russell (No. 50) and for the Land Titles Division of Russell (No. 50) shall be kept open from 9:30 a.m. until 2:30 p.m., local time, on January 6, 1998.

2. This Regulation is revoked on January 7, 1998.

IAN VEITCH  
Director of Land Registration

Dated on January 6, 1998.

4/98

## ONTARIO REGULATION 2/98 made under the HEALTH INSURANCE ACT

Made: December 10, 1997  
Filed: January 7, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97 and 502/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 22 (3) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Subsection 22 (4) of the Regulation is amended by striking out "laboratory" in the second line and substituting "medical laboratory".

(3) Subsection 22 (5) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(5) Despite subsection (4), the amount payable by the Plan for an insured service rendered by a medical laboratory in a time period set out in Column 1 of Table 4 is,

(4) Clause 22 (5) (b) of the Regulation is revoked.

(5) Subsection 22 (6) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(6) Despite subsection (4), the amount payable by the Plan for an insured service rendered by a medical laboratory in a time period set out in Column 1 of Table 5 is,

(6) Clause 22 (6) (b) of the Regulation is revoked.

(7) Subsection 22 (7) of the Regulation is revoked.

(8) Subsection 22 (8) of the Regulation is amended by striking out "laboratory" wherever it appears and substituting in each case "medical laboratory".

(9) Subsection 22 (10) of the Regulation is revoked and the following substituted:

(10) Payment for an insured service provided by a medical laboratory shall be made only when the medical laboratory submits an account for the service to the Plan and only if the medical laboratory accepts the payment as constituting payment in full for the service.

2. The Regulation is amended by adding the following sections:

22.1 (1) In sections 22.2 to 22.11,

"base year amount" means, in relation to a medical laboratory, the amount calculated in accordance with section 22.5;

"fiscal year" means the 12-month period beginning on April 1;

"over-threshold laboratory" means a medical laboratory that has a threshold amount for a fiscal year (determined without regard to the operation of section 22.4) that is less than the total amount payable to it under section 22 for insured services provided during the year;

"receiving laboratory" means a medical laboratory that performs tests referred to it by a referring laboratory;

"referring laboratory" means a medical laboratory that refers to a receiving laboratory tests that it is not licensed to perform;

"threshold amount" means, in relation to a medical laboratory, the amount calculated in accordance with section 22.3;

"under-threshold laboratory" means a medical laboratory that has a threshold amount for a fiscal year (determined without regard to the operation of section 22.4) that is greater than the total amount payable to it under section 22 for insured services provided during the year.

(2) Two or more medical laboratories are jointly engaged in providing insured services if they provide the services as a joint undertaking on a fully-integrated basis, whether as partners or otherwise.

(3) Sections 22.2 to 22.11 do not apply with respect to hospital laboratories.

22.2 (1) For the purposes of subsections 17.1 (6) and 17.2 (4) of the Act,

- (a) all insured services provided by a medical laboratory are prescribed insured services;
- (b) the prescribed period for a medical laboratory is a fiscal year; and
- (c) the prescribed amount for a medical laboratory is its threshold amount for the fiscal year.

(2) If the total amount payable under section 22 for insured services provided by a medical laboratory during a fiscal year equals or exceeds its threshold amount, the fee payable for each insured service it performs during the fiscal year is decreased by the percentage that is calculated as follows:

- 1. Calculate the medical laboratory's threshold amount for the fiscal year.
- 2. Subtract the threshold amount from the total amount payable to the medical laboratory for the fiscal year.
- 3. Express the amount calculated under paragraph 2 as a percentage of the total amount payable to the medical laboratory for the fiscal year.

22.3 (1) A medical laboratory's threshold amount for a fiscal year is the amount calculated as follows:

- 1. Calculate the medical laboratory's base year amount.
- 2. Express the base year amount as a percentage of the base year amounts of all medical laboratories.
- 3. Multiply the provincial cap for the fiscal year by the percentage calculated under paragraph 2.
- 4. Add the amounts, if any, calculated under section 22.4.

(2) The provincial cap applicable for the purposes of calculating threshold amounts for medical laboratories is,

- (a) \$415,236,088 for the 1995/96 fiscal year;
- (b) \$416,128,124 for the 1996/97 fiscal year;
- (c) \$418,297,741 for the 1997/98 and subsequent fiscal years.

22.4 (1) This section applies if one or more medical laboratories are under-threshold laboratories for a fiscal year.

(2) For each over-threshold laboratory that is jointly engaged in providing insured services with an under-threshold laboratory, the threshold amount for the fiscal year is increased in accordance with subsection (4).

(3) The threshold amount for a fiscal year for each over-threshold laboratory is increased in accordance with subsection (5). Increases under this subsection are calculated after any increases required by subsection (2) are made.

(4) The amount of the increase described in subsection (2) for an over-threshold laboratory is calculated as follows:

- 1. Subtract the total amount payable to the under-threshold laboratory under section 22 for insured services provided during the fiscal year from its threshold amount for the year.

2. Allocate the amount calculated under paragraph 1 among the over-threshold laboratories jointly engaged with the under-threshold laboratory in providing insured services during the fiscal year. The allocation is to be made in proportion to their respective threshold amounts for the year (determined without regard to the operation of this section).

3. Increase the threshold amount of each over-threshold laboratory by the lesser of,

- i. the amount allocated to the laboratory under paragraph 2, or
- ii. the amount that results in the threshold amount being equal to the total amount payable to the laboratory under section 22 for insured services provided by it during the fiscal year.

4. If the threshold amount of one or more over-threshold laboratories is increased by the amount described in subparagraph ii of paragraph 3, for each such laboratory subtract the amount of the increase from the amount allocated to the laboratory under paragraph 2.

5. Add the amounts calculated under paragraph 4.

6. Allocate the amount calculated under paragraph 5 among the over-threshold laboratories whose threshold amount was increased by the amount described in subparagraph i of paragraph 3, in proportion to their respective threshold amounts (determined without regard to the operation of this section).

7. Paragraphs 3 to 6 apply, with necessary modifications, with respect to the allocation of amounts calculated under paragraph 5 until,

- i. all such amounts are allocated, or
- ii. the threshold amount of every over-threshold laboratory equals the total amount payable to the laboratory under section 22 for insured services provided by it during the fiscal year.

(5) The amount of the increase described in subsection (3) for an over-threshold laboratory is calculated as follows:

1. For each under-threshold laboratory that is not jointly engaged in providing insured services with an over-threshold laboratory, subtract the total amount payable to it under section 22 for insured services provided during the fiscal year from its threshold amount for the year.

2. Add all amounts calculated under paragraph 5 of subsection (4) that remain unallocated under paragraph 7 of that subsection.

3. Add the amounts calculated under paragraphs 1 and 2.

4. Allocate the amount calculated under paragraph 3 among the over-threshold laboratories that are entitled to an increase under subsection (3), in proportion to their respective threshold amounts (determined without regard to the operation of this subsection).

5. Increase the threshold amount of each over-threshold laboratory by the lesser of,

- i. the amount allocated to the laboratory under paragraph 4, or
- ii. the amount that results in the threshold amount being equal to the total amount payable to the laboratory under section 22 for insured services provided by it during the fiscal year.

6. If two or more over-threshold laboratories that are entitled to an increase under subsection (3) were jointly engaged with each

other in providing insured services during the fiscal year and the threshold amount of one or more of them is increased by the amount described in subparagraph ii of paragraph 5, for each such laboratory subtract the amount of the increase from the amount allocated to the laboratory under paragraph 4.

7. Add the amounts calculated under paragraph 6.
8. Allocate the amount calculated under paragraph 7 among the over-threshold laboratories who were jointly engaged with a laboratory described in paragraph 6 and whose threshold amounts were increased by the amount described in subparagraph i of paragraph 5, in proportion to their respective threshold amounts (determined without regard to the operation of this subsection).

9. Paragraphs 5 to 8 apply, with necessary modifications, until,

- i) all amounts calculated under paragraph 7 are allocated, or
- ii) the threshold amount of each laboratory receiving an allocated amount under paragraph 8 equals the total amount payable to the laboratory under section 22,

whichever occurs first.

10. If the threshold amount of every jointly engaged over-threshold laboratory to which amounts are allocated under paragraph 8 equals its total amount payable under section 22, determine the amount, if any, that remains unallocated.
11. If the threshold amount of one or more over-threshold laboratories, other than a jointly engaged over-threshold laboratory described in paragraph 6, is increased by an amount described in subparagraph ii of paragraph 5, for each such laboratory subtract the amount of the increase from the amount allocated to the laboratory under paragraph 4.
12. Add the amounts calculated under paragraph 11 and any amount determined under paragraph 10.
13. Allocate the amount calculated under paragraph 12 among the over-threshold laboratories whose threshold amounts were increased by the amount described in subparagraph i of paragraph 5, other than any jointly engaged over-threshold laboratory that ceases to be over-threshold as a result of an allocation under paragraph 8, in proportion to their respective threshold amounts (determined without regard to the operation of this subsection).
14. Paragraphs 5 and 11 to 13 apply, with necessary modifications, until all such amounts are allocated.

**22.5** (1) The base year amount for a medical laboratory is calculated as follows:

1. For each physician who authorized insured services that were performed by the medical laboratory during the 1995/96 fiscal year, calculate the total amount payable under section 22 to all laboratories for insured services authorized by the physician for that fiscal year.
2. Express the total amount payable to the medical laboratory for insured services authorized by each physician as a percentage of the amount calculated under paragraph 1 in respect of the physician.
3. For each physician, calculate the total individual unit values of all insured services authorized by him or her and performed by all laboratories during the 1995/96 fiscal year.

4. For each physician, reduce the amount calculated under paragraph 3 by 8.5737 per cent.

5. For each physician, calculate the amount that would have been payable under section 22 for all insured services authorized by him or her and performed by all medical laboratories during the 1995/96 fiscal year. The calculation is to be based upon the total individual unit values for the insured services, as reduced under paragraph 4.

6. For each physician, multiply the amount calculated under paragraph 5 by the percentage calculated under paragraph 2 for the physician.

7. Add the amounts calculated under paragraph 6 for every physician that authorized the insured services that the medical laboratory performed during the 1995/96 fiscal year.

8. For the following medical laboratories, add the amount indicated:

- i. Canadian Medical Laboratories Ltd., \$397,922,
- ii. Flemington Medical Laboratories, \$1,537,136,
- iii. Hospital-In-Common Laboratory Inc., \$182,750,
- iv. MDS Inc., \$2,108,864,
- v. Med-Chem Health Care Ltd., \$922,003.

9. Add or subtract (as the case may be) the amounts, if any, calculated under sections 22.6 to 22.12.

(2) Despite subsection (1), if no amount was payable under the Plan to the medical laboratory for performing insured services before January 1, 1997, the base year amount for the medical laboratory is calculated as follows:

1. Multiply by four an amount equal to 85 per cent of the total individual unit values for insured services, if any, performed by the medical laboratory from January 1 to March 31, 1997.
2. Add or subtract (as the case may be) the amounts, if any, calculated under sections 22.6 to 22.11.

(3) Except where otherwise provided, a change in a medical laboratory's base year amount made under sections 22.6 to 22.11 applies with respect to the calculation of the threshold amount for the fiscal year in which the change is made and for every subsequent fiscal year.

**22.6** (1) This section applies if one or more medical laboratories are under-threshold laboratories for a fiscal year after the 1996/97 fiscal year.

(2) The base year amount of each under-threshold laboratory is decreased by the amount calculated using the formula,

$$\frac{A \times B}{C}$$

in which,

"A" equals the total of the base year amounts of all medical laboratories for the fiscal year (calculated without regard to the operation of this section),

"B" equals the amount by which the threshold amount for the laboratory in the fiscal year exceeds the total amount payable under

section 22 to the laboratory for insured services provided during the fiscal year, and

"C" equals the provincial cap set out in subsection 22.3 (2) for the fiscal year.

(3) The base year amount of each medical laboratory that is an over-threshold laboratory for the fiscal year is increased by the amount calculated using the formula,

$$\frac{A \times D}{C}$$

in which,

"A" and "C" have the same meaning as in subsection (2), and

"D" equals the amount by which the threshold amount for the fiscal year for the over-threshold laboratory is increased under section 22.4.

(4) A change in base year amounts made under this section applies with respect to the calculation of threshold amounts for the fiscal year following the year in which the circumstance described in subsection (1) exists, and for every subsequent fiscal year.

22.7 (1) The base year amount for a medical laboratory is increased by the amount calculated under subsection (2) if the laboratory becomes licensed to perform, and begins to perform, one or more of the following tests during the 1995/96 or 1996/97 fiscal year:

1. Antithrombin III assay (L373).
2. C-peptide Immunoreactivity (L346).
3. Dehydroepiandrosterone Sulphate (L347).
4. Free T-3 (L607).
5. Free Testosterone (L608).
6. 1,25 Dihydroxy Vitamin D (L605).
7. 25 Hydroxy Vitamin D (L606).
8. Immunoperoxidase technique (L731).
9. Leukocyte phenotyping by monoclonal antibodies (L685 or L686).
10. Methenalbumin (L171).
11. Oxalic Acid - U (L184).
12. Plasminogen assay (L433).
13. Total Haemolytic complement (CH 50 non-kit) (L530).
14. Thyroglobulin (L609).

(2) The amount of the increase is calculated using the formula,

$$A \times B \times 0.43945$$

in which,

"A" is the total individual unit values (based on the unit values in effect on April 1, 1997) for all the tests listed in subsection (1) that were

performed by or on behalf of the Hospital-in-Common Laboratory Inc. during the 1995/96 fiscal year, and

"B" is the total individual unit values of the tests listed in subsection (1) performed by the medical laboratory from April 1 until June 30, 1997 expressed as a percentage of the total individual unit values of the tests performed during that period by all medical laboratories entitled to an increase under subsection (1).

22.8 (1) This section applies with respect to a referring laboratory and a receiving laboratory,

- (a) if during the 1995/96 fiscal year the referring laboratory referred certain tests to the receiving laboratory; and
- (b) if during the 1995/96 or 1996/97 fiscal year,
  - (i) the referring laboratory becomes licensed to perform those tests and begins to perform them instead of referring them to the receiving laboratory, or
  - (ii) the referring laboratory begins referring the tests to a related laboratory instead of the receiving laboratory.

(2) The base year amount for the referring laboratory is increased, and the base year amount for the receiving laboratory is decreased, by 85 per cent of the total amount that would have been payable under subsection 22 (4) for tests referred by the referring laboratory that were performed by the receiving laboratory during the 1995/96 fiscal year.

(3) A change in the base year amount made under this section applies with respect to the calculation of threshold amounts for the 1996/97 fiscal year and for every subsequent fiscal year.

(4) For the purposes of subsection (1), two medical laboratories are related if they are controlled (within the meaning of subsection 1 (5) of the *Business Corporations Act*) by the same person.

22.9 (1) This section applies with respect to a referring laboratory and a receiving laboratory,

- (a) if, during the 1995/96 fiscal year, the receiving laboratory performed tests that were referred by the referring laboratory;
- (b) if, on or after April 1, 1997, the receiving laboratory ceases to perform some or all of the tests referred by the referring laboratory; and
- (c) if neither the referring laboratory nor a related laboratory is licensed to perform the tests when the receiving laboratory ceases to perform some or all of them.

(2) The base year amount for the receiving laboratory is decreased, and the base year amount for all of the medical laboratories described in subsection (3) is increased, by the amount calculated as follows:

1. With respect to the type of test that the receiving laboratory ceases to perform, determine the total amount that would have been payable under subsection 22 (4) for tests of that type referred by the referring laboratory that were performed by the receiving laboratory during the 1995/96 fiscal year.

2. Multiply the amount calculated under paragraph 1 by 85 per cent.

(3) The increase is apportioned among the following medical laboratories as follows:

1. If the referring laboratory refers the tests to other medical laboratories and one receiving laboratory performs all the tests referred, the base year amount for the receiving laboratory is increased by the amount calculated under subsection (2).

2. If the referring laboratory refers the tests to other medical laboratories and two or more medical laboratories perform the tests, the amount calculated under subsection (2) is allocated between them, and the base year amount of each is increased, in proportion to the total amount payable to each of them respectively for the tests.

**22.10** (1) This section applies if a written agreement in effect between two medical laboratories provides that,

- (a) one of them (the "managing laboratory") will manage and operate all or part of the laboratory business of the other of them (the "contracting laboratory"); or
- (b) one of them (the "managing laboratory") will perform insured services referred by the other of them (the "contracting laboratory").

(2) The agreement must have been in effect on March 31, 1996 or it must replace such an agreement, although the replacement agreement may involve a different managing laboratory than the one that was a party to the agreement in effect on March 31, 1996.

(3) If the agreement terminates on March 31, upon its termination the base year amount for the managing laboratory that was a party to the agreement in effect on March 31, 1996 is decreased in the fiscal year after the agreement is terminated, and the base year amount for the contracting laboratory is increased, by the amount calculated as follows:

1. Calculate 85 per cent of the total amount that would have been payable under subsection 22 (4) to the managing laboratory for insured services performed during the 1995/96 fiscal year by the managing laboratory under the agreement then in effect.
2. Calculate 85 per cent of the total amount that would have been payable under subsection 22 (4) to the contracting laboratory for all insured services performed by it during the 1995/96 fiscal year.
3. If the amount calculated under paragraph 1 is greater than or equal to the amount calculated under paragraph 2, the amount calculated under paragraph 1 is the amount of the increase or decrease, as the case may be, in the base year amount.

(4) If the agreement terminates on a date other than March 31, upon its termination the base year amount for the managing laboratory that was a party to the agreement in effect on March 31, 1996 is decreased in the fiscal year in which the agreement is terminated and in the following fiscal year, and the base year amount for the contracting laboratory is increased in each of those years, by the amounts calculated as follows:

1. Calculate the amount of the increase or decrease that would be payable if the agreement terminated on March 31.
2. Multiply the amount calculated under paragraph 1 by the following fraction:

$$\frac{\text{number of days remaining in the fiscal year}}{\text{number of days in the fiscal year}}$$

The resulting amount is the amount of the increase or decrease, as the case may be, in the fiscal year in which the agreement is terminated.

3. Subtract the amount calculated under paragraph 2 from the amount calculated under paragraph 1. The resulting amount is

the amount of the increase or decrease, as the case may be, in the following fiscal year.

(5) Despite subsections (3) and (4), if the contracting party enters into an agreement with another medical laboratory within 60 days after the expiry of the agreement referred to in subsection (1),

- (a) the base year amount for the contracting laboratory shall not be increased as provided by subsection (3) or (4); and
- (b) the base year amount for the other medical laboratory shall be increased by the amount that the base year amount for the contracting laboratory would have been increased under subsection (3) or (4).

(6) Upon the termination of an agreement described in subsection (5), the base year amount for the contracting laboratory is increased and the base year amount for the other medical laboratory is decreased as provided by subsection (3) or (4).

**22.11** (1) This section applies,

- (a) one medical laboratory (the "transferring laboratory") transfers its interest in one or more laboratories (the "transferred facilities") licensed under the *Laboratory and Specimen Collection Centre Licensing Act* to another medical laboratory (the "acquiring laboratory") and ceases to hold a licence under that Act for the transferred facilities;

- (b) when one medical laboratory becomes controlled (within the meaning of subsection 1 (5) of the *Business Corporations Act*) by another medical laboratory or two medical laboratories become controlled by the same person; or

- (c) when two or more medical laboratories amalgamate.

(2) In the circumstances described in subsection (1) (a) and only if both medical laboratories agree, the base year amount for the acquiring laboratory is increased and the base year amount for the transferring laboratory is decreased by the amount calculated as follows:

1. Calculate 85 per cent of the total amount payable under subsection 22 (4) to the transferring laboratory for insured services performed at the transferred facilities in the fiscal year before the transfer of interest in the facilities occurs.
2. Calculate 85 per cent of the total amount payable under subsection 22 (4) to the transferring laboratory for the same fiscal year.
3. Express the amount calculated under paragraph 1 as a percentage of the amount calculated under paragraph 2.
4. Multiply the base year amount of the transferring laboratory by the percentage calculated under paragraph 3.

(3) In the circumstances described in clause (1) (b) and only if both medical laboratories agree,

- (a) the base year amount for one of the medical laboratories is increased by the amount of the base year amount for the other medical laboratory; and
- (b) the base year amount for the other medical laboratory is reduced to zero.

(4) When two or more medical laboratories amalgamate and only if the amalgamating laboratories agree,



- (a) the base year amount for the amalgamated laboratory is increased by the base year amount for each of the amalgamating laboratories; and
- (b) the base year amount for each of the amalgamating laboratories is reduced to zero.

(5) The base year amount is transferred as of April 1 in the fiscal year in which the event described in subsection (2), (3) or (4) occurs.

3. Table 4 of the Regulation is revoked and the following substituted:

TABLE 4

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
1.	On or after April 1, 1991	On or after April 1, 1991	51.7	38.7

4. Table 5 of the Regulation is revoked and the following substituted:

TABLE 5

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
1.	On or after April 1, 1991	On or after April 1, 1991	51.7	38.7	25.8

5. This Regulation shall be deemed to have come into force on April 1, 1996.

4/98

### ONTARIO REGULATION 3/98 made under the REGISTRY ACT

Made: January 8, 1998  
Filed: January 8, 1998

### OFFICE HOLIDAY

1. Thursday, January 8, 1998 is prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Offices:

Registry Division of Dundas (No. 8)  
Land Titles Division of Frontenac (No. 13)  
Registry Division of Frontenac (No. 13)  
Registry Division of Glengarry (No. 14)  
Registry Division of Grenville (No. 15)  
Registry Division of Leeds (No. 28)  
Land Titles Division of Prescott (No. 46)  
Registry Division of Prescott (No. 46)  
Land Titles Division of Russell (No. 50)  
Registry Division of Russell (No. 50)  
Registry Division of Stormont (No. 52)

2. This Regulation is revoked on January 9, 1998.

IAN VEITCH  
Director of Land Registration

Dated on January 8, 1998.

4/98

**ONTARIO REGULATION 4/98**  
made under the  
**REGISTRY ACT**

Made: January 8, 1998  
Filed: January 8, 1998

**OFFICE HOURS**

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Lanark (No. 27) shall be kept open from 9:30 a.m. until 2:00 p.m., local time, on January 8, 1998.

2. This Regulation is revoked on January 9, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 8, 1998.

4/98

**ONTARIO REGULATION 5/98**  
made under the  
**REGISTRY ACT**

Made: January 8, 1998  
Filed: January 8, 1998

**OFFICE HOURS**

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Ottawa (No. 04) and for the Land Titles Division of Ottawa (No. 04) shall be kept open from 9:30 a.m. until 3:00 p.m., local time, on January 8, 1998.

2. This Regulation is revoked on January 9, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 8, 1998.

4/98

**ONTARIO REGULATION 6/98**  
made under the  
**REGISTRY ACT**

Made: January 9, 1998  
Filed: January 9, 1998

**OFFICE HOLIDAY**

1. Friday, January 9, 1998 is prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Offices:

Land Titles Division of Ottawa (No. 4)  
Registry Division of Ottawa (No. 4)

Registry Division of Dundas (No. 8)

Land Titles Division of Frontenac (No. 13)  
Registry Division of Frontenac (No. 13)

Registry Division of Glengarry (No. 14)

Registry Division of Grenville (No. 15)

Registry Division of Lanark (No. 27)

Registry Division of Leeds (No. 28)

Land Titles Division of Prescott (No. 46)  
Registry Division of Prescott (No. 46)

Registry Division of Russell (No. 50)

Registry Division of Stormont (No. 52)

2. This Regulation is revoked on January 10, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 9, 1998.

4/98

1. 1000  
2. 1000  
3. 1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—01—31

## ONTARIO REGULATION 7/98 made under the REGISTRY ACT

Made: January 12, 1998

Filed: January 12, 1998

### OFFICE HOLIDAY

1. Monday, January 12, 1998 is prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Offices:

Land Titles Division of Frontenac (No. 13)

Registry Division of Frontenac (No. 13)

Registry Division of Grenville (No. 15)

Registry Division of Leeds (No. 28)

Land Titles Division of Russell (No. 50)

Registry Division of Russell (No. 50)

2. This Regulation is revoked on January 13, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 12, 1998.

5/98

## ONTARIO REGULATION 8/98 made under the REGISTRY ACT

Made: January 12, 1998

Filed: January 12, 1998

### OFFICE HOURS

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Glengarry (No. 14) shall be kept open from 11:00 a.m. until 2:00 p.m., local time, from January 12 to January 16, 1998 inclusive.

2. This Regulation is revoked on January 17, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 12, 1998.

5/98

## ONTARIO REGULATION 9/98 made under the REGISTRY ACT

Made: January 13, 1998

Filed: January 13, 1998

### OFFICE HOLIDAY

1. Tuesday, January 13, 1998 is prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Offices:

Registry Division of Grenville (No. 15)

Land Titles Division of Russell (No. 50)

Registry Division of Russell (No. 50)

2. This Regulation is revoked on January 14, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 13, 1998.

5/98

## ONTARIO REGULATION 10/98 made under the REGISTRY ACT

Made: January 14, 1998

Filed: January 14, 1998

### OFFICE HOLIDAY

1. Wednesday, January 14, 1998 is prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Office:

Land Titles Division of Russell (No. 50)

Registry Division of Russell (No. 50)

2. This Regulation is revoked on January 15, 1998.

IAN VEITCH  
*Director of Land Registration*

Dated on January 14, 1998.

5/98

**ONTARIO REGULATION 11/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 14, 1998  
Filed: January 15, 1998

**EXTENDING TIME PERIODS RELATING TO  
DRIVERS' LICENCES IN EMERGENCY  
SITUATION—ONTARIO REGULATION 340/94**

1. In this Regulation, a reference to a provision is a reference to a provision of Ontario Regulation 340/94.

2. The term of validity of every driver's licence is extended beyond the expiry date shown on the driver's licence until the day this Regulation is revoked if, without the extension, the term of validity would expire on or after the day this Regulation comes into force, and if the holder of the driver's licence resides in an area where an emergency has been declared after January 1, 1998.

3. Despite subsection 13 (1), the period of five years referred to in that subsection is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the applicant resides in an area where an emergency has been declared after January 1, 1998.

4. Despite subsections 28 (9) and (10), the term of validity of a certificate referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, the term of validity would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the applicant resides in an area where an emergency has been declared after January 1, 1998.

5. (1) Despite subclauses 29 (1) (a) (i) and (ii), the periods of three years and one year respectively that are referred to in those subclauses are extended until the day this Regulation is revoked if, without the extension, the period of three years or one year, as the case may be, would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and the applicant resides in an area where an emergency has been declared after January 1, 1998.

(2) Despite clause 29 (1) (b), the period of three years referred to in that clause is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the applicant resides in an area where an emergency has been declared after January 1, 1998.

(3) Despite subclauses 29 (2) (a) (i) and (ii), the periods of three years and one year respectively that are referred to in those subclauses are extended until the day this Regulation is revoked if, without the extension, the period of three years or one year, as the case may be, would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the applicant resides in an area where an emergency has been declared after January 1, 1998.

(4) Despite clause 29 (2) (b), the period of three years that is referred to in that clause is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the

applicant resides in an area where an emergency has been declared after January 1, 1998.

(5) Despite subsections 29 (7), (9) and (10), the period of three years referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, that period would expire, to the detriment of an applicant, on or after the day this Regulation comes into force, and if the applicant resides in an area where an emergency has been declared after January 1, 1998.

6. Despite subsections 33 (1) and (2), the period of six days referred to in those subsections is extended until the day this Regulation is revoked if, without the extension, that period would expire on or after the day this Regulation comes into force, to the detriment of the holder of a driver's licence, who has changed address or name, as the case may be, and if the holder resides in an area where an emergency has been declared after January 1, 1998.

5/98

**ONTARIO REGULATION 12/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 14, 1998  
Filed: January 15, 1998

**EXTENDING VALIDITY OF CERTIFICATES AND  
PERMITS IN EMERGENCY SITUATION—  
REGULATION 628**

1. In this Regulation, a reference to a provision is a reference to a provision of Regulation 628 of the Revised Regulations of Ontario, 1990.

2. Despite subsection 2 (1), the term of validity of every safety standards certificate is extended until the day this Regulation is revoked if, without the extension, the certificate would cease to be valid for the purpose of receiving a permit for a used motor vehicle by reason of the expiry of the 36 day period referred to in that subsection on or after the day this Regulation comes into force, and if the applicant for the permit resides in an area where an emergency has been declared after January 1, 1998.

3. Despite subsections 4 (1) and 5 (1), the term of validity of every vehicle permit is extended until the day this Regulation is revoked if, without the extension, the permit would cease to be currently validated on or after the day this Regulation comes into force, and if the holder of the permit resides in an area where an emergency has been declared after January 1, 1998.

4. Despite subsection 11 (1), the term of validity of a temporary permit is extended beyond the expiry date shown on the permit until the day this Regulation is revoked if, without the extension, the term of validity would expire, to the detriment of the holder of the permit, on or after the day this Regulation comes into force, and if the holder of the permit resides in an area where an emergency has been declared after January 1, 1998.

5/98

**ONTARIO REGULATION 13/98**

made under the

**FAIRNESS FOR PARENTS AND EMPLOYEES ACT  
(TEACHERS' WITHDRAWAL OF SERVICES), 1997**

Made: January 15, 1998

Filed: January 15, 1998

**APPLICATION DEADLINE**

1. The deadline for the purposes of subsections 3 (5) and (10) of the Act is February 6, 1998.

2. Ontario Regulation 451/97 is revoked.

DAVID JOHNSON

*Minister of Education and Training*

Dated on January 15, 1998.

5/98

**RÈGLEMENT DE L'ONTARIO 13/98**

pris en application de la

**LOI DE 1997 SUR LE TRAITEMENT ÉQUITABLE DES  
PARENTS ET DES EMPLOYÉS (RETRAIT DE  
SERVICES PAR LES ENSEIGNANTS)**

pris le 15 janvier 1998

déposé le 15 janvier 1998

**DATE LIMITE DE PRÉSENTATION  
DES DEMANDES**

1. Pour l'application des paragraphes 3 (5) et (10) de la Loi, la date limite est fixée au 6 février 1998.

2. Le Règlement de l'Ontario 451/97 est abrogé.

DAVID JOHNSON

*Ministre de l'Éducation et de la Formation*

Fait le 15 janvier 1998.

**ONTARIO REGULATION 14/98**

made under the

**REGISTRY ACT**

Made: January 15, 1998

Filed: January 15, 1998

**OFFICE HOURS**

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Prescott (No. 46) and for the Land Titles Division of Prescott (No. 46) shall be kept open from 9:30 a.m. until 2:45 p.m., local time, on January 15, 1998.

2. This Regulation is revoked on January 16, 1998.

IAN VEITCH

*Director of Land Registration*

Dated on January 15, 1998.

5/98

Land Titles Division of Russell (No. 50)

Registry Division of Russell (No. 50)

2. This Regulation is revoked on January 17, 1998.

IAN VEITCH

*Director of Land Registration*

Dated on January 15, 1998.

5/98

**ONTARIO REGULATION 16/98**

made under the

**REGISTRY ACT**

Made: January 16, 1998

Filed: January 16, 1998

**OFFICE HOURS**

1. Despite any other Regulation, the Land Registry Office for the Registry Division of Glengarry (No. 14) shall be kept open from 11:00 a.m. until 4:30 p.m., local time, on January 16, 1998.

2. This Regulation is revoked on January 17, 1998.

IAN VEITCH

*Director of Land Registration*

Dated on January 16, 1998.

5/98

**ONTARIO REGULATION 15/98**

made under the

**REGISTRY ACT**

Made: January 15, 1998

Filed: January 15, 1998

**OFFICE HOLIDAY**

1. Thursday, January 15 and Friday, January 16, 1998 are prescribed as a holiday for the purposes of section 13 of the *Registry Act* and section 18 of the *Land Titles Act* for the following Land Registry Office:

2

1

2

3

4

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58  
59  
60  
61  
62  
63  
64  
65  
66  
67  
68  
69  
70  
71  
72  
73  
74  
75  
76  
77  
78  
79  
80  
81  
82  
83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100

101

102

103

104

105

106



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-02-07

## ONTARIO REGULATION 17/98 made under the GAME AND FISH ACT

Made: January 21, 1998  
Filed: January 21, 1998

Amending O. Reg. 740/92  
(Fishing Licences)

Note: Ontario Regulation 740/92 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 2 (7) of Ontario Regulation 740/92 is revoked and the following substituted:

(7) A temporary outdoors card expires on December 31 of the year of its issue.

2. Subsection 7 (3) of the Regulation is revoked and the following substituted:

(3) A non-resident sport fishing licence is not valid for sport fishing in Lake St. Joseph, located at latitude 51°05' north and longitude 90°35' west as described and outlined in black on the map filed in the office of the Director of the Fish and Wildlife Branch of the Ministry of Natural Resources, unless a tag authorizing it is attached to the reverse side of the licence.

3. (1) Subsection 9 (2) of the Regulation is amended by adding the following clauses:

(e) a written contract for services provided by a canoe trip outfitter licensed by the Ministry of Economic Development, Trade and Tourism;

(f) a letter of authority from the local District Manager identifying them as members of charitable or philanthropic groups.

(2) Subsection 9 (3) of the Regulation is revoked and the following substituted:

(3) A non-resident sport fishing licence that has a Rainy River/Lake of the Woods Border Water Conservation Tag affixed to the back of it is valid for retaining any fish taken in the territorial districts of Kenora and Rainy River, being all the waters of Lake of the Woods, Shoal Lake, Cul de Sac Lake, Obabikou Lake and Rainy River from Wheeler's Point upstream to the Fort Frances Dam, except that walleye and sauger may not be retained unless the holder of the licence is staying overnight at an Ontario location other than one identified in clauses 2 (a) to (d) and has on his or her person, and shows to an officer when requested to do so, written evidence of that fact or a valid Crown land camping permit.

4. Item 2 of Schedule II to the Regulation is revoked and the following substituted:

2. That portion of the Territorial District of Kenora described as follows:

Commencing at the intersection of the territorial districts of Rainy River, Kenora and Thunder Bay; Thence north 19.500 kilometres, more or less, along the boundary between the territorial districts of Kenora and Thunder Bay to the southeast corner of the Geographic Town-

## RÈGLEMENT DE L'ONTARIO 17/98 pris en application de la LOI SUR LA CHASSE ET LA PÊCHE

pris le 21 janvier 1998  
déposé le 21 janvier 1998

modifiant le Règl. de l'Ont. 740/92  
(Permis de pêche)

Remarque : Le Règlement de l'Ontario 740/92 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le paragraphe 2 (7) du Règlement de l'Ontario 740/92 est abrogé et remplacé par ce qui suit :

(7) La Carte Plein air temporaire expire le 31 décembre de l'année de sa délivrance.

2. Le paragraphe 7 (3) du Règlement est abrogé et remplacé par ce qui suit :

(3) Un permis de pêche sportive de non-résident n'est valide pour le lac St. Joseph, situé à 51° 05' de latitude nord et à 90° 35' de longitude ouest, tel que décrit et indiqué en noir sur la carte déposée au bureau du directeur de la Direction de la pêche et de la faune du ministère des Richesses naturelles, que si une vignette autorisant le non-résident à pratiquer la pêche sportive est apposée au verso.

3. (1) Le paragraphe 9 (2) du Règlement est modifié par adjonction des alinéas suivants :

e) un contrat écrit de services d'un pourvoyeur d'excursions de canotage titulaire d'un permis délivré par le ministère du Développement économique, du Commerce et du Tourisme;

f) une lettre d'autorisation du chef de district local précisant qu'il est membre d'un groupe de bienfaisance ou philanthropique.

(2) Le paragraphe 9 (3) du Règlement est abrogé et remplacé par ce qui suit :

(3) Un permis de pêche sportive de non-résident au verso duquel est apposée une vignette de pêche écologique en eaux limitrophes de la rivière à la Pluie/du lac des Bois est valide en vue de la conservation de tout poisson pris dans les districts territoriaux de Kenora et de Rainy River, ce qui comprend toutes les eaux du lac des Bois, du lac Shoal, du lac Cul de Sac, du lac Obabikou et de la rivière à la Pluie de la pointe de Wheeler en amont jusqu'au barrage de Fort Frances, sauf que le doré et le doré noir ne peuvent être conservés à moins que le titulaire du permis reste pour la nuit quelque part en Ontario à l'exception d'un des lieux précisés aux alinéas 2 a) à d) et qu'il porte sur lui et présente sur demande à l'agent une preuve écrite de ce fait ou un permis de camping sur les terres de la Couronne valide.

4. Le point 2 de l'annexe II du Règlement est abrogé et remplacé par ce qui suit :

2. La partie du district territorial de Kenora décrite comme suit :

Commencant à l'intersection des districts territoriaux de Rainy River, de Kenora et de Thunder Bay; de là vers le nord sur une distance d'environ 19,5 kilomètres, en suivant la limite entre les districts territoriaux de Kenora et de Thunder Bay, jusqu'à l'angle sud-est du canton

ship of Corman; Thence astronomically west 115.900 kilometres, more or less, to a point distant 20.117 kilometres measured westerly from the 5<sup>th</sup> meridian line; Thence astronomically north to the Township of Corman; Thence astronomically west 115.900 kilometres, more or less, to a point distant 20.117 kilometres measured westerly from the 5<sup>th</sup> meridian line; Thence astronomically north to the intersection with a line drawn east/west through a point distant 9.656 kilometres measured south astronomically from the 18<sup>th</sup> mile post on the base line run by A. Niven, Ontario Land Surveyor, in 1893; Thence astronomically west from said point 49.624 kilometres; Thence astronomically south 9.656 kilometres, more or less, to the intersection with the 4<sup>th</sup> baseline; Thence astronomically west along the 4<sup>th</sup> baseline 16.093 kilometres, more or less, to the 24<sup>th</sup> mile post; Thence southwesterly in a straight line 22.531 kilometres, more or less, to the water's edge at the most northeasterly extremity of Kakagi Lake; Thence in a general southerly, westerly, southerly, easterly, southerly and westerly direction following the water's edge along the southerly shore of Kakagi Lake to the intersection with the east boundary of the Geographic Township of Godson; Thence south astronomically along that boundary a distance of 8.530 kilometres, more or less, to the southeast corner of the Geographic Township of Godson; Thence easterly, southerly, and easterly along the boundary between the territorial districts of Kenora and Rainy River to the point of commencement, together with that part of the Territorial District of Kenora composed of Lake of the Woods, Shoal Lake, Cul de Sac Lake, Obabikou Lake and those parts of Rowan Lake, Katimiagamak Lake, Dibble Lake, White Otter Lake, Nora Lake, Kenoshay Lake, Pine Lake, Elsie Lake, Guliver Lake, Cloven Lake, Campus Lake, Fish Lake, Adele Lake, Portage Lake, Pyramid Lake, Mack Lake, Saganagons Lake, Amit Lake, Moose Bay, Lower Scotch Lake, Unnamed Lakes (49° 12' N., 91° 37' W.), (49° 12' N., 91° 56' W.), (49° 12' N., 91° 58' W.) and (48° 22' N., 90° 58' W.) not included in the description.

géographique de Corman; de là selon une course astronomique vers l'ouest sur une distance d'environ 115,9 kilomètres, jusqu'à un point distant de 20,117 kilomètres mesurés vers l'ouest à partir du 5<sup>e</sup> méridien; de là selon une course astronomique vers le nord jusqu'à l'intersection avec une ligne tracée est-ouest en passant par un point distant de 9,656 kilomètres mesurés vers le sud selon une course astronomique à partir de la 18<sup>e</sup> borne milliaire posée sur la ligne de base tracée en 1893 par A. Niven, arpenteur-géomètre de l'Ontario; de là selon une course astronomique vers l'ouest, à partir de ce point sur une distance de 49,624 kilomètres; de là selon une course astronomique vers le sud sur une distance d'environ 9,656 kilomètres, jusqu'à l'intersection avec la 4<sup>e</sup> ligne de base; de là selon une course astronomique vers l'ouest en suivant la 4<sup>e</sup> ligne de base sur une distance d'environ 16,093 kilomètres, jusqu'à la 24<sup>e</sup> borne milliaire; de là vers le sud-ouest en ligne droite sur une distance d'environ 22,531 kilomètres, jusqu'à la limite des eaux à l'extrémité la plus au nord-est du lac Kakagi; de là en direction générale sud, ouest, sud, est, sud et ouest en suivant la limite des eaux le long de la rive sud du lac Kakagi, jusqu'à l'intersection avec la limite est du canton géographique de Godson; de là vers le sud selon une course astronomique en suivant cette limite sur une distance d'environ 8,530 kilomètres, jusqu'à l'angle sud-est du canton géographique de Godson; de là vers l'est, le sud et l'est en suivant la limite entre les districts territoriaux de Kenora et de Rainy River, jusqu'au point de départ, à laquelle s'ajoute la partie du district territorial de Kenora qui se compose du lac des Bois, du lac Shoal, du lac Cul de Sac, du lac Obabikou et des parties du lac Rowan, du lac Katimiagamak, du lac Dibble, du lac White Otter, du lac Nora, du lac Kenoshay, du lac Pine, du lac Elsie, du lac Guliver, du lac Cloven, du lac Campus, du lac Fish, du lac Adele, du lac Portage, du lac Pyramid, du lac Mack, du lac Saganagons, du lac Amit, de la baie Moose, du lac Lower Scotch et des lacs sans nom (49° 12' de latitude nord et 91° 37' de longitude ouest), (49° 12' de latitude nord et 91° 56' de longitude ouest), (49° 12' de latitude nord et 91° 58' de longitude ouest) et (48° 22' de latitude nord et 90° 58' de longitude ouest) qui ne sont pas comprises dans la description.

**ONTARIO REGULATION 18/98**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: January 15, 1998

Filed: January 22, 1998

Amending Reg. 409 of R.R.O. 1990  
(Eggs—Plan)

Note: Regulation 409 has been amended by Ontario Regulation 25/97.

1. Subsection 8 (1) of the Schedule to Regulation 409 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(1) The number of egg councillors to be elected in a zone shall be determined in accordance with the following rules:

1. For each zone in which there is at least one but not more than five egg quota holders, there shall be one egg councillor.
2. For each zone in which the number of egg quota holders is greater than five, there shall be one egg councillor for every five egg quota holders, as well as any additional egg councillors provided for by paragraph 3.
3. For each zone to which paragraph 2 applies in which the number of egg quota holders is not evenly divisible by five, there shall be one additional egg councillor for each additional three or four egg quota holders.

(1.1) The number of pullet councillors to be elected in a zone shall be determined in accordance with the following rules:

1. For each zone in which there is at least one but not more than 10 pullet quota holders, there shall be one pullet councillor.
2. For each zone in which the number of pullet quota holders is greater than 10, there shall be one pullet councillor for every 10 pullet quota holders, as well as any additional pullet councillors provided for by paragraph 3.
3. For each zone to which paragraph 2 applies in which the number of pullet quota holders is not evenly divisible by 10, there shall be one additional pullet councillor for each additional five, six, seven, eight or nine pullet quota holders.

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

JAMES H. WHEELER  
Chair

GLORIA MARCO BORYS  
Secretary

Dated on January 15, 1998.

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—02—14

## ONTARIO REGULATION 19/98 made under the HIGHWAY TRAFFIC ACT

Made: December 17, 1997  
Filed: January 26, 1998

Amending O. Reg. 340/94  
(Drivers' Licences)

Note: Since January 1, 1997, Ontario Regulation 340/94 has been amended by Ontario Regulations 149/97, 251/97, 416/97 et 509/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 26 of Ontario Regulation 340/94 is amended by adding the following subsections:

(1.1) A fee of \$100 is payable to the Ministry for the reinstatement of a driver's licence that was suspended for any of the following reasons:

1. A conviction under the Act or a regulation.
2. The default in payment of a fine for a conviction referred to in section 46 of the Act.
3. An unsatisfied judgment, as permitted under section 198 of the Act.
4. The accumulation of demerit points, as prescribed under Ontario Regulation 339/94.
5. A conviction under the *Criminal Code* (Canada).
6. A payment out of the Motor Vehicle Accident Claims Fund under subsection 4 (4) or 10 (1) of the *Motor Vehicle Accident Claims Act*, a default in repayment of an amount owing to the Fund under subsection 4 (8) or 11 (3) of that Act, including a failure to satisfy the proof of financial responsibility condition of the restoration of a licence under the regulations made under section 11 of that Act.
7. An unpaid support order that was made under the *Family Responsibility and Support Arrears Enforcement Act*, 1996.
8. A conviction under the *Compulsory Automobile Insurance Act*.

(1.2) Despite subsection (1.1), no fee is payable if a reinstatement is made following a suspension resulting from a conviction referred to in that subsection and an appeal of the conviction is filed; however, the fee is payable if the conviction is sustained on appeal.

(1.3) The fee is payable only once for a reinstatement of a licence that has more than one suspension recorded against it at the same time for any of the reasons set out in subsection (1.1).

## ONTARIO REGULATION 20/98 made under the EDUCATION ACT

Made: January 26, 1998  
Filed: January 27, 1998

### EDUCATION DEVELOPMENT CHARGES —GENERAL

#### CONTENTS

#### PART I INTERPRETATION

Definitions  
Exclusion from education land costs: excess land

#### PART II EXEMPTIONS

Additional dwelling unit exemption  
Replacement of dwelling unit exemption  
Replacement of non-residential building exemption  
Toronto Railway Lands exemption

#### PART III DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW

Determination of education development charge  
Application of charge if based on declared value of development  
Background study contents  
Conditions of passage of by-law  
Notice of public meeting  
Notice of by-law

#### PART IV AMENDMENT TO BY-LAW

Re-determination of education development charges  
Notice of proposed amendment to by-law  
Notice of the passage of amending by-law

#### PART V MISCELLANEOUS

Education development charge reserve fund  
Expiry of by-laws—special rule  
Interest  
Regions  
Monthly reports  
Pamphlets explaining by-law

#### PART VI TRANSITION FROM OLD DEVELOPMENT CHARGES ACT

Successor boards  
Joint education development charge accounts  
Monthly reports for continued by-laws

#### PART VII COMMENCEMENT SCHEDULE (REGIONS)

## PART I INTERPRETATION

### DEFINITIONS

1. For the purposes of Division E of Part IX of the Act and in this Regulation,

"existing industrial building" means a building classified as land in the industrial property class according to the last returned assessment roll;

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

### EXCLUSION FROM EDUCATION LAND COSTS: EXCESS LAND

2. (1) Costs that are attributable to excess land of a site are prescribed, for the purposes of paragraph 2 of subsection 257.53 (3) of the Act, as costs that are not education land costs.

(2) Subsection (1) does not apply to costs described in paragraph 5 of subsection 257.53 (2) of the Act.

(3) Land is not excess land if it is reasonably necessary,

(a) to meet a legal requirement relating to the site; or

(b) to allow the facilities for pupil accommodation that the board intends to provide on the site to be located there and to provide access to those facilities.

(4) This section does not apply to land,

(a) that has already been acquired by the board before February 1, 1998, or

(b) in respect of which there is an agreement, entered into before February 1, 1998, under which the board is required to, or has an option to, purchase the land.

(5) In this section,

"excess land" means the part of a school site that exceeds the maximum area determined, under the table to this section, based on the number of pupils that can be accommodated in the school to be built on the site.

ELEMENTARY SCHOOLS	
Number of pupils	Maximum area (acres)
1 to 400	4
401 to 500	5
501 to 600	6
601 to 700	7
701 or more	8
SECONDARY SCHOOLS	
Number of pupils	Maximum area (acres)
1 to 1000	12
1001 to 1100	13

1101 to 1200	14
1201 to 1300	15
1301 to 1400	16
1401 to 1500	17
1501 or more	18

## PART II EXEMPTIONS

### ADDITIONAL DWELLING UNIT EXEMPTION

3. For the purposes of clause 257.54 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

NAME OF CLASS OF RESIDENTIAL BUILDING	DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS	MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS	RESTRICTIONS
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

### REPLACEMENT OF DWELLING UNIT EXEMPTION

4. (1) Subject to subsection (2), a board shall exempt an owner with respect to the replacement, on the same site, of a dwelling unit that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it uninhabitable.

(2) A board is not required to exempt an owner if the building permit for the replacement dwelling unit is issued more than two years after,

(a) the date the former dwelling unit was destroyed or became uninhabitable; or

- (b) if the former dwelling unit was demolished pursuant to a demolition permit issued before the former dwelling unit was destroyed or became uninhabitable, the date the demolition permit was issued.

#### REPLACEMENT OF NON-RESIDENTIAL BUILDING EXEMPTION

5. (1) Subject to subsections (2) and (3), a board shall exempt an owner with respect to the replacement, on the same site, of a non-residential building that was destroyed by fire, demolition or otherwise, or that was so damaged by fire, demolition or otherwise as to render it unusable.

(2) If the gross floor area of the non-residential part of the replacement building exceeds the gross floor area of the non-residential part of the building being replaced, the board is only required to exempt the owner with respect to the portion of the education development charge calculated in accordance with the following formula:

$$\text{Exempted portion} = \frac{\text{GFA (old)}}{\text{GFA (new)}} \times \text{EDC}$$

where,

"Exempted portion" means the portion of the education development charge that the board is required to exempt;

"GFA (old)" means the gross floor area of the non-residential part of the building being replaced;

"GFA (new)" means the gross floor area of the non-residential part of the replacement building;

"EDC" means the education development charge that would be payable in the absence of the exemption.

(3) A board is not required to exempt an owner if the building permit for the replacement building is issued more than five years after,

- (a) the date the former building was destroyed or became unusable; or
- (b) if the former building was demolished pursuant to a demolition permit issued before the former building was destroyed or became unusable, the date the demolition permit was issued.

(4) This section does not apply with respect to education development charges on residential development.

#### TORONTO RAILWAY LANDS EXEMPTION

6. (1) In this section,

"agreement" means the agreement entitled "Development Levy Agreement—Railway Lands Central and West" made as of October 21, 1994 among The Corporation of the City of Toronto, Canadian National Railway Company, CN Transactions Inc., The Board of Education for the City of Toronto, Metropolitan Separate School Board and The Metropolitan Toronto School Board, and registered in the Land Registry Office for the Land Titles Division of Metropolitan Toronto (No. 66) as Instrument No. C920254;

"lands" means the lands described in Schedules A and B to the agreement.

(2) A board shall exempt an owner from education development charges on the lands to the extent provided for in the agreement.

#### PART III

#### DETERMINATION OF CHARGES AND PASSAGE OF BY-LAW

##### DETERMINATION OF EDUCATION DEVELOPMENT CHARGES

7. Before an education development charge by-law is passed, the board shall do the following for the purposes of determining the education development charges:

1. The board shall estimate the number of new dwelling units in the area in which the charges are to be imposed for each of the 15 years immediately following the day the board intends to have the by-law come into force. The board's estimate shall include only new dwelling units in respect of which education development charges may be imposed.
2. The board shall identify different types of new dwelling units and estimate, for each type, the average number of new elementary school pupils and the average number of new secondary school pupils generated by each new dwelling unit who will attend schools of the board.
3. For each of the 15 years referred to in paragraph 1, the board shall estimate the total number of new elementary school pupils and new secondary school pupils using the estimated number of new dwelling units and the estimated average number of new pupils generated by each new dwelling unit subject to the following adjustments,
  - i. the board shall reduce the number of new elementary school pupils by the number of existing elementary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils,
  - ii. the board shall reduce the number of new secondary school pupils by the number of existing secondary school pupil places that, in the opinion of the board, could reasonably be used to accommodate those new pupils.
4. The board shall estimate the net education land cost for the elementary school sites and secondary school sites required to provide pupil places for the new elementary school pupils and new secondary school pupils.
5. The board shall estimate the balance of the education development charge reserve fund, if any, relating to the area in which the charges are to be imposed. The estimate shall be an estimate of the balance immediately before the day the board intends to have the by-law come into force.
6. The board shall adjust the net education land cost with respect to any balance estimated under paragraph 5. If the balance is positive, the balance shall be subtracted from the cost. If the balance is negative, the balance shall be converted to a positive number and added to the cost.
7. The net education land cost as adjusted, if necessary, under paragraph 6, is the growth-related net education land cost.
8. The board shall choose the percentage of the growth-related net education land cost that is to be funded by charges on residential development and the percentage, if any, that is to be funded by charges on non-residential development. The percentage that is to be funded by charges on non-residential development shall not exceed 40 percent.
9. The board shall determine the charges on residential development subject to the following,
  - i. the charges shall be expressed as a rate per new dwelling unit,

- ii. the rate shall be the same throughout the area in which charges are to be imposed under the by-law,
  - iii. the rate shall be an amount determined by the board so that if applied, over the 15 year period referred to in paragraph 1, to the estimated residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on residential development would not be exceeded.
10. If charges are to be imposed on non-residential development, the board shall determine the charges subject to the following,
- i. the charges shall be expressed as one of the following types of rate, as selected by the board,
    - A. a rate to be applied to the gross floor area of the development, or
    - B. a rate to be applied to the declared value of the development,
  - ii. the board may choose to have one type of rate for some parts of the area in which charges are to be imposed and the other type of rate to apply to the other parts of the area in which charges are to be imposed,
  - iii. the board may not choose to have both types of rate apply within a city, town, village or township,
  - iv. if only one type of rate applies under the by-law, the rate shall be the same throughout the area in which charges are to be imposed under the by-law,
  - v. if both types of rate are to apply under the by-law, each of those rates shall be the same throughout the area in which each type of rate applies,
  - vi. the rate (or rates if both types of rate are to apply under the by-law) shall be determined by the board so that if applied, over the 15 year period referred to in paragraph 1, to the estimated non-residential development in the area to which the by-law would apply and for which charges may be imposed, the percentage of the growth-related net education land cost that is to be funded by charges on non-residential development would not be exceeded.

#### APPLICATION OF CHARGE IF BASED ON DECLARED VALUE OF DEVELOPMENT

8. An education development charge expressed as a rate to be applied to the declared value of a development shall be applied to the declared value used to calculate the building permit fee, if that fee is calculated using the declared value of the development.

#### BACKGROUND STUDY CONTENTS

9. (1) The following information is prescribed, for the purposes of clause 257.61 (2) (d) of the Act, as information that must be included in the education development charge background study relating to an education development charge by-law:

- 1. The following estimates that the board intends to use in determining the education development charges,
  - i. the board's estimates under paragraph 1 of section 7, for each of the years required under that paragraph, of the number of new dwelling units in the area in which the charges are to be imposed,

- ii. the board's estimates under paragraph 2 of section 7, for each type of dwelling unit identified by the board, of the average number of elementary school pupils and the average number of secondary school pupils generated by each new dwelling unit who will attend schools of the board, and
- iii. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made and with the adjustments set out in that paragraph being made.

- 2. For each elementary school and secondary school in the area in which the board intends to impose education development charges,
  - i. the number of existing pupil places, and
  - ii. the number of pupils who attend the school.
- 3. For every existing elementary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph i of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.
- 4. For every existing secondary school pupil place in the board's jurisdiction that the board does not intend to use in the adjustment under subparagraph ii of paragraph 3 of section 7, an explanation as to why the board does not intend to do so.
- 5. For each elementary school site and secondary school site, the net education land cost of which the board intends to include in its estimation under paragraph 4 of section 7,
  - i. the location of the site,
  - ii. the area of the site and if the area of the site exceeds the maximum area determined, under the table to section 2, based on the number of pupils that can be accommodated in the school to be built on the site, an explanation of whether the costs of the excess land are education land costs and if so, why,
  - iii. the estimated education land costs of the site including a separate statement of the board's estimation of,
    - A. the costs described in paragraph 1 of subsection 257.53 (2) of the Act,
    - B. the costs of providing services described in paragraph 2 of subsection 257.53 (2) of the Act,
    - C. the costs of preparing the site described in paragraph 2 of subsection 257.53 (2) of the Act, and
    - D. the interest described in paragraph 4 of subsection 257.53 (2) of the Act, and
  - iv. the number of pupil places the board estimates will be provided by the school to be built on the site and the number of those pupil places that the board estimates will be used to accommodate the number of new pupils estimated under paragraph 3 of section 7.
- 6. A statement of the board's policy concerning possible arrangements with municipalities, school boards or other persons or bodies in the public or private sector, including arrangements of a long-term or co-operative nature, which would provide accommodation for the new elementary school pupils and new secondary school pupils estimated under paragraph 3 of section 7, with-



out imposing education development charges, or with a reduction in such charges.

7. If a previous education development charge background study completed by the board included a statement under paragraph 6, a statement of how the policy referred to in the statement was implemented and, if it was not implemented, an explanation of why it was not implemented.
8. A statement from the board stating that it has reviewed its operating budget for savings that could be applied to reduce growth-related net education land costs, and the amount of any savings which it proposes to apply, if any.

(2) The information prescribed under paragraph 5 of subsection (1) shall be as specific as can reasonably be provided by the board in the circumstances.

#### CONDITIONS OF PASSAGE OF BY-LAW

10. The following conditions are prescribed, for the purposes of subsection 257.54 (6) of the Act, as conditions that must be satisfied in order for a board to pass an education development charge by-law:

1. The Minister has approved,
  - i. the board's estimates under paragraph 3 of section 7, for each of the years required under that paragraph, of the total number of new elementary school pupils and the total number of new secondary school pupils, without the adjustments set out in that paragraph being made, and
  - ii. the board's estimates of the number of elementary school sites and the number of secondary school sites used by the board to determine the net education land cost under paragraph 4 of section 7.
2. Either,
  - i. the estimated average number of elementary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate elementary school pupils throughout its jurisdiction on the day the by-law is passed, or
  - ii. the estimated average number of secondary school pupils of the board over the five years immediately following the day the board intends to have the by-law come into force exceeds the total capacity of the board to accommodate secondary school pupils throughout its jurisdiction on the day the by-law is passed.
3. The board has given a copy of the education development charge background study relating to the by-law to the Minister and each board having jurisdiction within the area to which the by-law would apply.

#### NOTICE OF PUBLIC MEETING

11. (1) The notice of the public meeting the board is required to give under clause 257.63 (1) (b) of the Act shall be given in one of the following ways:

1. To every owner of land in the area to which the proposed by-law would apply, by personal service, fax or mail.
2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to

which the proposed by-law would apply to give the public reasonable notice of the meeting.

(2) For the purposes of paragraph 1 of subsection (1), the owners are the owners shown on the last revised assessment roll, subject to any written notice of a change of ownership of land the secretary of the board may have received. A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the secretary of the board.

#### NOTICE OF BY-LAW

12. (1) This section applies to the notices relating to the passage of an education development charge by-law that the secretary of a board is required to give under section 257.64 of the Act.

(2) Notice shall be given in one of the following ways:

1. By personal service, fax or mail to every owner of land in the area to which the by-law applies.
2. By publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the by-law.

(3) Subsection 11 (2) applies, with necessary modifications, for the purposes of paragraph 1 of subsection (2).

(4) In addition to the notice under subsection (2), notice shall be given, by personal service, fax or mail, to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of the passing of the by-law and has provided a return address.
2. The Minister.
3. Unless notice is given under paragraph 2 of subsection (2),
  - i. the clerk of every municipality having jurisdiction within the area to which the by-law applies, and
  - ii. the secretary of every board having jurisdiction within the area to which the by-law applies.

(5) Each notice shall set out the following:

1. A statement that the board has passed an education development charge by-law.
2. A statement setting out when the by-law was passed and what its number is.
3. A statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 257.65 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
4. A statement setting out what the last day for appealing the by-law is.
5. An explanation of the education development charges imposed by the by-law on residential development and non-residential development.
6. A description of the lands to which the by-law applies.



7. A key map showing the lands to which the by-law applies or an explanation of why a key map is not provided.
8. An explanation of where and when persons may examine a copy of the by-law.
9. A statement that notice of a proposed by-law amending the education development charge by-law or the passage of such an amending by-law is not required to be given to any person or organization, other than to certain clerks of municipalities or secretaries of school boards, unless the person or organization gives the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.

#### PART IV AMENDMENT TO BY-LAW

##### RE-DETERMINATION OF EDUCATION DEVELOPMENT CHARGES

13. (1) This section applies if an amendment to an education development charge by-law would change any of the rates for determining the amount of an education development charge.

(2) Section 7 applies with the following modifications and such other modifications as are necessary:

1. References to the 15 years referred to in paragraph 1 of section 7 shall be deemed to be references to the portion of the 15 years immediately following the day the board intends to have the amending by-law come into force.
2. The estimate under paragraph 5 of section 7 shall be an estimate of the balance immediately before the day the board intends to have the amending by-law come into force.

##### NOTICE OF PROPOSED AMENDMENT TO BY-LAW

14. (1) This section applies to the notices relating to a proposed by-law amending an education development charge by-law that a board is required to give under section 257.72 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.
2. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law applies.
3. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 2 or 3 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board proposes to amend the education development charge by-law.

2. An explanation of the education development charges imposed by the education development charge by-law on residential development and non-residential development.
3. An explanation of the proposed amending by-law.
4. A description of the lands to which the education development charge by-law applies.
5. A key map showing the lands to which the education development charge by-law applies or an explanation of why a key map is not provided.
6. If the lands to which the education development charge by-law would apply will be different if the proposed amending by-law is passed, a description of the lands to which the education development charge by-law, as amended, would apply and a key map showing those lands or an explanation of why a key map is not provided.
7. An explanation of where and when persons may examine a copy of the proposed amending by-law.

##### NOTICE OF THE PASSAGE OF AMENDING BY-LAW

15. (1) This section applies to the notices relating to the passage of a by-law amending an education development charge by-law that the secretary of a board is required to give under section 257.73 of the Act.

(2) Notice shall be given to the following:

1. Every person and organization that has given the secretary of the board a written request for notice of any amendments to the education development charge by-law and has provided a return address.
2. The Minister.
3. The clerk of every municipality having jurisdiction within the area to which the education development charge by-law, as amended, applies.
4. The secretary of every board having jurisdiction within the area to which the education development charge by-law, as amended, applies.

(3) Notice to a person or organization described in paragraph 1 or 2 of subsection (2) shall be given by personal service, fax or mail.

(4) Notice to a person described in paragraph 3 or 4 of subsection (2) shall be given by personal service, fax or mail or by publication in a newspaper that is, in the secretary of the board's opinion, of sufficiently general circulation in the area to which the education development charge by-law applies to give the public reasonable notice.

(5) Each notice shall set out the following:

1. A statement that the board has passed a by-law amending the education development charge by-law.
2. A statement setting out when the amending by-law was passed and what its number is.
3. A statement that any person or organization may appeal the amending by-law to the Ontario Municipal Board under section 257.74 of the Act by filing with the secretary of the board a notice of appeal setting out the objection to the amending by-law and the reasons supporting the objection.
4. A statement setting out what the last day for appealing the amending by-law is.

5. A statement that an appeal may not raise an issue that could have been raised in an appeal of the education development charge by-law under section 257.65 of the Act.

## PART V MISCELLANEOUS

### EDUCATION DEVELOPMENT CHARGE RESERVE FUND

16. (1) A board shall, under section 257.82 of the Act, establish an education development charge reserve fund for the area to which an education development charge by-law applies.

(2) Money from an education development charge reserve fund may be used only,

- (a) for growth-related net education land costs;
- (b) as provided for under clause 241 (1) (a) or section 257.99 of the Act;
- (c) to pay the reasonable costs of preparing, revising and distributing the pamphlet for the by-law as required under section 21;
- (d) to pay the service charges of a financial institution relating to the reserve fund; or
- (e) if an education development charge has been paid but the building permit for the development is revoked, to refund the education development charge plus interest at a rate not exceeding the rate prescribed under section 18.

### EXPIRY OF BY-LAWS—SPECIAL RULE

17. (1) This section governs the expiry of an education development charge by-law of a board (the "new by-law") if, when the new by-law is passed, an education development charge by-law of another board (an "existing overlapping by-law") applies to any part of the area to which the new by-law applies.

(2) The new by-law expires on the earliest of the expiry dates of the existing overlapping by-laws, as they read on the day the new by-law is passed.

(3) For greater certainty, a by-law continued under section 257.103 of the Act is not an existing overlapping by-law.

### INTEREST

18. The interest rate that shall be paid under subsections 257.69 (3) and 257.90 (2) of the Act and the minimum interest rate that boards shall pay under section 257.99 of the Act is the lowest prime rate reported to the Bank of Canada by any of the banks listed in Schedule I to the *Bank Act* (Canada) at the beginning of the period for which interest is to be paid.

### REGIONS

19. (1) The area of the jurisdiction of a board is divided into regions for the purposes of section 257.57 of the Act in accordance with the following:

- 1. The part of the jurisdiction that is in the area described in an item of the Schedule to this Regulation is a region.
- 2. The part of the jurisdiction that is not in any area described in an item of the Schedule to this Regulation is a region.

(2) The references in the Schedule to municipalities or areas are references to those municipalities or areas as they were on December 31, 1997, except where a contrary intention appears.

### MONTHLY REPORTS

20. (1) The following information, as it relates to land in the municipality, is prescribed as information to be included in a monthly report under section 257.97 of the Act:

- 1. The total education development charges that are collected in respect of residential development.
- 2. The number of building permits, for each type of new dwelling unit the board identified under paragraph 2 of section 7, in respect of which education development charges were imposed.
- 3. The location of the lands to which the building permits described in paragraph 2 pertained.
- 4. The total education development charges collected in respect of non-residential development.
- 5. The number of building permits issued for non-residential development in respect of which an education development charge is imposed by the board.
- 6. The total gross floor area of the non-residential development in respect of which education development charges, determined using a rate applied to the gross floor area of the development, are imposed by the board. The total gross floor area shall not include the gross floor area of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
- 7. The total declared value of the non-residential development in respect of which education development charges, determined using a rate applied to the declared value of the development, are imposed by the board. The total declared value shall not include the declared value of a development with respect to which subsection 257.55 (3) of the Act or subsection 5 (2) of this Regulation applies.
- 8. For each development with respect to which subsection 257.55 (3) of the Act applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the existing building,
  - ii. the gross floor area of the enlargement, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.
- 9. For each development with respect to which subsection 5 (2) of this Regulation applies and in respect of which education development charges are imposed by the board,
  - i. the gross floor area of the non-residential part of the building being replaced,
  - ii. the gross floor area of the non-residential part of the replacement building, and
  - iii. if the education development charges are determined using a rate applied to the declared value of the development, the declared value upon which the charges for the development are determined.

10. The number of building permits issued for residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.

11. The number of building permits issued for non-residential development in an area to which the education development charge by-law applies in respect of which no education development charge is imposed.

(2) The report shall cover the period,

(a) beginning at the end of the period covered by the previous report by the municipality or, if there was no previous report, beginning on the first day that an education development charge by-law of the board applied to land in the municipality;

(b) ending at the end of the 25th day of the month before the month in which the report is due.

#### PAMPHLETS EXPLAINING BY-LAW

21. (1) A board shall prepare a pamphlet for each education development charge by-law in force setting out,

(a) a description of the general purpose for which the education development charges under the by-law are being imposed; and

(b) the rules for determining if an education development charge is payable in a particular case and for determining the amount of the charge.

(2) The board shall prepare the pamphlet,

(a) if the by-law is not appealed to the Ontario Municipal Board, within 60 days after the by-law comes into force;

(b) if the by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the by-law, within 60 days after the board does so.

(3) If an education development charge by-law is amended, the board shall revise the pamphlet for the by-law as necessary.

(4) If the board is required to revise the pamphlet, it shall do so,

(a) if the amending by-law is not appealed to the Ontario Municipal Board, within 60 days after the amending by-law comes into force;

(b) if the amending by-law is appealed to the Ontario Municipal Board, within 60 days after the Ontario Municipal Board's decision or, if the Ontario Municipal Board orders the board to amend the amending by-law, within 60 days after the board does so.

(5) Upon preparing or revising a pamphlet, the board shall give a copy of the pamphlet to the Minister.

(6) The board shall give a copy of the most recent pamphlet, without charge, to any person who requests one.

(7) The board may charge a fee for additional copies of a pamphlet given to a person but the fee must be no more than is needed to pay for the cost of the additional copies.

(8) A person may reproduce and distribute the pamphlet in any form.

## PART VI TRANSITION FROM OLD DEVELOPMENT CHARGES ACT

### SUCCESSOR BOARDS

22. Each board set out in column 2 of the following table is prescribed as a successor board of the corresponding old board set out in column 1 for the purposes of Division E of Part IX of the Act.

ITEM	COLUMN 1 OLD BOARDS	COLUMN 2 SUCCESSOR BOARDS
1.	The York Region Board of Education	English-language Public District School Board No. 16  Conseil de district des écoles publiques de langue française n° 58
2.	The York Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de York	English-language Separate District School Board No. 42  Conseil de district des écoles séparées de langue française n° 64
3.	The Carleton Board of Education	English-language Public District School Board No. 25
4.	The Carleton Roman Catholic Separate School Board	English-language Separate District School Board No. 53
5.	The Durham Board of Education	English-language Public District School Board No. 13  Conseil de district des écoles publiques de langue française n° 58
6.	The Durham Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de Durham	English-language Separate District School Board No. 45  Conseil de district des écoles séparées de langue française n° 64
7.	The Halton Board of Education	English-language Public District School Board No. 20  Conseil de district des écoles publiques de langue française n° 58
8.	The Halton Roman Catholic Separate School Board/Conseil des écoles catholiques de Halton	English-language Separate District School Board No. 46  Conseil de district des écoles séparées de langue française n° 64
9.	The Peel Board of Education	English-language Public District School Board No. 19  Conseil de district des écoles publiques de langue française n° 58
10.	The Dufferin County Board of Education	English-language Public District School Board No. 18  Conseil de district des écoles publiques de langue française n° 58

11.	The Dufferin-Peel Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de Dufferin & Peel	English-language Separate District School Board No. 43  Conseil de district des écoles séparées de langue française n° 64
12.	The Wentworth County Board of Education	English-language Public District School Board No. 21  Conseil de district des écoles publiques de langue française n° 58
13.	The Hamilton-Wentworth Roman Catholic Separate School Board/Le conseil des écoles séparées catholiques romaines de Hamilton-Wentworth	English-language Separate District School Board No. 47  Conseil de district des écoles séparées de langue française n° 64
14.	Le Conseil des écoles publiques d'Ottawa-Carleton	Conseil de district des écoles publiques de langue française n° 59
15.	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	Conseil de district des écoles séparées de langue française n° 66

JOINT EDUCATION DEVELOPMENT CHARGE ACCOUNTS

23. (1) For each joint education development charge account held by old boards set out in column 1 of the table to section 22 on December 31, 1997, the successor boards to the old boards shall establish an education development charge account to be held jointly by the successor boards.

(2) If, under the old Act, the amounts collected under an education development charge by-law would have been deposited into a joint education development charge account, the amounts paid under the by-law, as continued under section 257.103 of the Act, shall be deposited into the corresponding education development charge account established under subsection (1).

(3) The old Act and Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998 continue to apply to a joint education development charge account established under subsection (1) with the following modification and such other modifications as are necessary:

1. For the purposes of the application of subsection 5 (7) of Regulation 268 of the Revised Regulations of Ontario, 1990 as it read on January 31, 1998, the reference to subsection 11 (3) of the *Education Act* shall be deemed to be a reference to section 234 of the *Education Act*.

(4) The following rules apply if an education development charge by-law is repealed or expires and amounts paid under the by-law were required, before it was repealed or expired, to be deposited into an education development charge account established under subsection (1):

1. The successor board whose by-law was repealed or expired shall establish an education development charge reserve fund for the area to which the by-law applied.
2. If, after the repeal or expiry, no amounts under an education development charge by-law of any other board will be required to be deposited into the education development charge account, the surplus or deficit in the account shall be dealt with in accordance with subsection (5).

(5) The surplus or deficit of an education development charge account referred to in paragraph 2 of subsection (4) shall be transferred to the education development charge reserve funds, established under paragraph 1 of subsection (4), of the successor boards that established the education development charge account. The amounts transferred to each board's reserve fund shall be in proportion to the number of students attending schools of the board, on August 31, 1998, in the area to which the board's education development charge by-law applied on February 1, 1998.

(6) For the purposes of paragraph 5 of section 7, if there is a joint education development charge account for the area in which education development charges are to be imposed under a new education development charge by-law, the board's estimate shall be an estimate of the amount of any surplus or deficit that will be transferred to the board under subsection (5).

(7) For the purposes of the application of the provisions referred to in subsection 257.103 (3) of the Act, references in those provisions to an education development charge reserve fund shall be deemed to be references to an education development charge reserve account.

MONTHLY REPORTS FOR CONTINUED BY-LAWS

24. The following apply with respect to a report required under section 257.97 of the Act as that section applies under subsection 257.103 (3) of the Act:

1. The period that the report must cover is the period referred to in subsection 37 (5) of the old Act.
2. The information that the report shall contain is the information that was prescribed under section 14 of Regulation 268 of the Revised Regulations of Ontario, 1990, as it read on January 31, 1998.

PART VII  
COMMENCEMENT

25. This Regulation comes into force on February 1, 1998.

SCHEDULE (REGIONS)

Northern Ontario

1. The area of jurisdiction of the former Atikokan Board of Education as it existed on December 31, 1997.
2. The area of jurisdiction of the former Beardmore, Geraldton, Longlac and Area Board of Education as it existed on December 31, 1997.
3. The area of jurisdiction of the former Central Algoma Board of Education as it existed on December 31, 1997.
4. The area of jurisdiction of the former Chapleau Board of Education as it existed on December 31, 1997.
5. The area of jurisdiction of the former Cochrane-Iroquois Falls, Black River-Matheson Board of Education as it existed on December 31, 1997.
6. The area of jurisdiction of the former Dryden Board of Education as it existed on December 31, 1997.
7. The area of jurisdiction of the former East Parry Sound Board of Education as it existed on December 31, 1997.
8. The area of jurisdiction of the former Espanola Board of Education as it existed on December 31, 1997.

9. The area of jurisdiction of the former Fort Frances-Rainy River Board of Education as it existed on December 31, 1997.
10. The area of jurisdiction of the former Hearst Board of Education as it existed on December 31, 1997.
11. The area of jurisdiction of the former Hornepayne Board of Education as it existed on December 31, 1997.
12. The area of jurisdiction of the former Kapuskasing-Smooth Rock Falls and District Board of Education as it existed on December 31, 1997.
13. The area of jurisdiction of the former Kenora Board of Education as it existed on December 31, 1997.
14. The area of jurisdiction of the former Kirkland Lake Board of Education as it existed on December 31, 1997.
15. The area of jurisdiction of the former Lake Superior Board of Education as it existed on December 31, 1997.
16. The area of jurisdiction of the former Lakehead Board of Education as it existed on December 31, 1997.
17. The area of jurisdiction of the former Manitoulin Board of Education as it existed on December 31, 1997.
18. The area of jurisdiction of the former Michipicoten Board of Education as it existed on December 31, 1997.
19. The area of jurisdiction of the former Muskoka Board of Education as it existed on December 31, 1997.
20. The area of jurisdiction of the former Nipigon-Red Rock Board of Education as it existed on December 31, 1997.
21. The area of jurisdiction of the former Nipissing Board of Education as it existed on December 31, 1997.
22. The area of jurisdiction of the former North Shore Board of Education as it existed on December 31, 1997.
23. The area of jurisdiction of the former Red Lake Board of Education as it existed on December 31, 1997.
24. The area of jurisdiction of the former Sault Ste. Marie Board of Education as it existed on December 31, 1997.
25. The area of jurisdiction of the former Sudbury Board of Education as it existed on December 31, 1997.
26. The area of jurisdiction of the former Timiskaming Board of Education as it existed on December 31, 1997.
27. The area of jurisdiction of the former Timmins Board of Education as it existed on December 31, 1997.
28. The area of jurisdiction of the former West Parry Sound Board of Education as it existed on December 31, 1997.
29. In the Territorial District of Nipissing, the Township of Airy and the geographic townships of Sabine, Murchison, Lyell and Dickens.

#### Counties

30. The County of Brant.

31. The County of Bruce.
32. The County of Dufferin.
33. The County of Elgin.
34. The County of Essex, excluding the City of Windsor and including the Township of Pelee.
35. The County of Frontenac.
36. The County of Grey.
37. The County of Haliburton.
38. The County of Hastings.
39. The County of Huron.
40. The County of Kent.
41. The County of Lambton.
42. The County of Lanark.
43. The United Counties of Leeds and Grenville.
44. The County of Lennox and Addington.
45. The County of Middlesex, excluding the City of London.
46. Northumberland County and the Municipality of Clarington in the Regional Municipality of Durham.
47. The County of Oxford.
48. The County of Perth.
49. The County of Peterborough.
50. The United Counties of Prescott and Russell.
51. The County of Prince Edward.
52. The County of Renfrew.
53. The County of Simcoe.
54. The United Counties of Stormont, Dundas and Glengarry.
55. The County of Victoria.
56. The County of Wellington.

#### Regional municipalities

57. The Regional Municipality of Durham, except for the Municipality of Clarington.
58. The portion of the Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Haldimand County Board of Education.
59. The portion of the Regional Municipality of Haldimand-Norfolk that on December 31, 1997 was the school division of The Norfolk County Board of Education.
60. The Regional Municipality of Halton.
61. The Regional Municipality of Hamilton-Wentworth, excluding the City of Hamilton.

62. The portion of the Regional Municipality of Niagara that on December 31, 1997 was the school division of The Lincoln County Board of Education.
63. The portion of the Regional Municipality of Niagara that on December 31, 1997 was the school division of The Niagara South Board of Education.
64. The Regional Municipality of Ottawa-Carleton, excluding the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park.
65. The Regional Municipality of Peel.
66. The Regional Municipality of Waterloo.
67. The Regional Municipality of York.

#### Cities

68. The City of Hamilton.
69. The City of London.
70. The City of Ottawa, the City of Vanier and the Village of Rockcliffe Park.
71. The City of Toronto as it existed on January 1, 1998.
72. The City of Windsor.

### ONTARIO REGULATION 21/98 made under the DEVELOPMENT CHARGES ACT

Made: January 26, 1998  
Filed: January 27, 1998

Revoking Reg. 268 of R.R.O. 1990  
(Education Development Charges)

1. Regulation 268 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 229/92, 813/94, 15/96 and 475/97 are revoked.

2. This Regulation comes into force on February 1, 1998.

### ONTARIO REGULATION 22/98 made under the BUILDING CODE ACT

Made: January 26, 1998  
Filed: January 27, 1998

Amending O. Reg. 403/97  
(General)

Note: Ontario Regulation 403/97 has not previously been amended.

1. (1) The definitions of "Alternative measure", "Private sewage disposal system" and "Sewage system" set out in Article 1.1.3.2. of Ontario Regulation 403/97 are revoked and the following substituted:

*Alternative measure* means a substitute for a requirement of Part 3, 4, 5, 6, 7, 8 or 9 of the Code or for a *compliance alternative*.

*Private sewage disposal system* means a *sewage system* or a *sewage works* which is not owned and operated by the Crown, a municipality or an organisation acceptable to the Director responsible for issuing a Certificate of Approval under the *Ontario Water Resources Act*.

*Sewage system* means

- (a) a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained portable toilet and all forms of privy including a *portable privy*, an *earth pit privy*, a *pail privy*, a *privy vault* and a composting toilet system,
- (b) a *greywater system*,
- (c) a cesspool,
- (d) a *leaching bed system*, or
- (e) a system which requires or uses a *holding tank* for the retention of *hauled sewage* at the site where it is produced prior to its collection by a *hauled sewage system*,

where these

- (f) have a design capacity of 10 000 Litres per day or less,
- (g) have, in total, a design capacity of 10 000 Litres per day or less where more than one of these is located on a lot or parcel of land, and
- (h) are located wholly within the boundaries of the lot or parcel of land on which is located the *building* which they serve.

(2) Article 1.1.3.2. of the Regulation is amended by adding the following definitions:

*Absorption trench* means an excavation in *soil* (as defined in Part 8) or *leaching bed fill*, being part of a *leaching bed*, in which a *distribution pipe* is laid and which allows infiltration of the *effluent* into the *soil* (as defined in Part 8) or *leaching bed fill*.

*Chamber* means a structure that is constructed with an open bottom and contains a pressurized *distribution pipe*.

*Distribution box* means a device for ensuring that *effluent* from a *treatment unit* is distributed in equal amounts to each line of *distribution pipe* in a *leaching bed*.

*Distribution pipe* means a line or lines of perforated or open jointed pipe or tile installed in a *leaching bed* for the purpose of distributing *effluent* from a *treatment unit* to the *soil* (as defined in Part 8) or *leaching bed fill* in the *leaching bed*.

*Earth pit privy* means a latrine consisting of an excavation in the ground surmounted by a superstructure.

*Effluent* means *sanitary sewage* that has passed through a *treatment unit*.

*Greywater* means *sanitary sewage* of domestic origin which is derived from *fixtures* other than *sanitary units*.

*Ground water* means water below the surface of the ground occupying a zone of the earth's mantle that is saturated with water.

*Ground water table* means the elevation of the upper surface of the *ground water* existing in the area of the *sewage system*.

*Hauled sewage* means *sanitary sewage* that,

- (a) is not finally disposed of at the site where it is produced and is not conveyed by a sewer to a *sewage works*; and
- (b) is stored or retained at the site where it is produced for periodic collection, handling, treatment, transportation, storage or processing prior to final disposal at a place other than where it was produced,

and includes *sanitary sewage* that is removed from a *sewage system* for purposes of cleaning or maintaining the system.

*Hauled sewage system* means works, installations, equipment, operations and land used in connection with the collection, handling, treatment, transportation, storage, processing and disposal of *hauled sewage* as regulated under the *Environmental Protection Act*.

*Header line* means a line of pipe with watertight joints installed in a *sewage system* for the purpose of distributing *effluent* from a *treatment unit* to the *distribution pipe* in a *leaching bed*.

*High ground water table* means the highest elevation at which there is physical evidence that the *soil* (as defined in Part 8) or *leaching bed fill* has been saturated with water.

*Holding tank* means a tank designed for the total retention of all *sanitary sewage* discharged into it and requiring periodic emptying.

*Leaching* means dispersal of liquid by downward or lateral drainage or both into permeable *soil* (as defined in Part 8) or *leaching bed fill*.

*Leaching bed* means an absorption system constructed as *absorption trenches* or as a filter bed, located wholly in ground or raised or partly raised above ground as required by local conditions, to which *effluent* from a *treatment unit* is applied for treatment and disposal and that is composed of,

- (a) the *soil* (as defined in Part 8), *leaching bed fill* or other filter media that is contained between the surface to which the *sanitary sewage* is applied and the bottom of the bed,
- (b) the *distribution pipe* and the stone or gravel layer in which such pipe is located, and
- (c) the backfill above the *distribution pipe*, including the topsoil and sodding or other anti-erosion measure, and the side slopes of any portion elevated above the natural ground elevation.

*Leaching bed fill* means unconsolidated material suitable for the construction of a *leaching bed* placed in the area of the *leaching bed* in order to obtain the required unsaturated zone below the *distribution pipes*, and the required lateral extent such that the *effluent* is absorbed.

*Loading rate* means the volume, in litres, of *effluent* per square metre applied in a single day to the *soil* (as defined in Part 8) or *leaching bed fill*.

*Pail privy* means a latrine in which the receptacle for human waste consists of a removable container surmounted by a superstructure.

*Percolation time* means the average time in minutes that is required for water to drop one centimetre during a percolation test or as determined by a soil evaluation or analysis.

*Portable privy* means a portable latrine in which the receptacle for human body waste and the superstructure are combined structurally into one unit.

*Pressurized distribution system* means a *leaching bed* in which the *effluent* is distributed through the use of *pressurized distribution pipes*.

*Privy vault* means a latrine in which the receptacle for the human waste consists of a constructed vault from which the waste is periodically removed.

*Septic tank* means a watertight vault in which *sanitary sewage* is collected for the purpose of removing scum, grease and solids from the liquid without the addition of air and where solids settling and anaerobic digestion of the *sanitary sewage* takes place.

*Sewage works* means a sewage works as defined in the *Ontario Water Resources Act*.

*Shallow buried trench* means an *absorption trench* that contains a *chamber*.

*Surface water* means water on the surface of the ground.

*Treatment unit* means a device which when designed, installed and operated in accordance with its design specifications provides a specific degree of *sanitary sewage* treatment reducing the contaminant load from that of *sanitary sewage* to given *effluent* quality.

*Working capacity* means the volume of liquid that a *treatment unit* or *holding tank* is capable of holding without overflowing while it is in its working position, but does not include the volume of liquid contained in a compartment in which a pump or siphon is installed.

(3) The definition of "*Drainage system*" set out in Article 1.1.3.2. of the Regulation is amended by striking out "or piping that carries storm sewage from areas that are not part of a building" at the end.

(4) The definition of "*Private sewer*" set out in Article 1.1.3.2. of the Regulation is amended by striking out clause (e) and substituting the following:

- (e) a sewer that carries only the sanitary waste or *storm sewage* from one main building that is of industrial, commercial or care or detention occupancy and one ancillary building; or

(5) Article 1.1.4.2. of the Regulation is amended by adding the following abbreviations:

BOD <sub>5</sub> . . .	the five day biochemical oxygen demand
CBOD <sub>5</sub> . . .	the five day carbonaceous biochemical oxygen demand

2. The Table of Contents to Part 2 of the Regulation is amended by adding the following:

Section	2.10. 2.10.1.	Building Code Commission Hearings
Section	2.11. 2.11.1. 2.11.2. 2.11.3.	Qualifications for Inspectors Scope General Sewage System Inspectors
Section	2.12.  2.12.1. 2.12.2. 2.12.3. 2.12.4.	Qualifications for Persons Engaged in the Business of Constructing on Site, Installing, Repairing, Servicing, Cleaning or Emptying Sewage Systems Scope Definitions Qualifications Licenses



Section 2.13. Designated Persons and Powers  
2.13.1. General

Section 2.14. Prescribed Person  
2.14.1. General

Section 2.15. Enforcement of Provisions of the Act and  
Building Code Related to Sewage  
Systems  
2.15.1. General

3. (1) Subclause 2.1.1.2.(1)(a)(ii) of the Regulation is amended by striking out "*institutional occupancies*" and substituting "*care or detention occupancies*".

(2) The Regulation is amended by adding the following Article:

#### 2.1.1.14. Sewage Systems

(1) Part 8 applies to the *construction*, operation and maintenance of all *sewage systems* and to the *construction of buildings* in the vicinity of *sewage systems*.

4. (1) Sentence 2.4.1.1.(1) of the Regulation is revoked and the following substituted:

#### 2.4.1.1. Requirement for Permits

(1) A person is exempt from the requirement to obtain a permit under Section 8 of the Act

(a) for the *demolition* of a *building* located on a farm,

(b) subject to Sentence (1.1), for the *construction* or *demolition* of a *building* in territory without municipal organization, or

(c) for the *construction* of a Class 1 *sewage system*.

(1.1) The exemption in Clause (1)(b) from the requirement to obtain a permit does not apply to the *construction* of a *sewage system* in territory without municipal organization.

(2) Clause 2.4.1.3.(1)(c) of the Regulation is revoked and the following substituted "Reserved".

(3) Sentence 2.4.3.1.(2) of the Regulation is amended by striking out "and" at the end of clause (o), adding "and" at the end of clause (p), and adding the following clause:

(q) the *sewage system* has been completed and is operational.

(4) Sentence 2.4.5.1.(1) of the Regulation is amended by adding the following clauses:

(b.1) of the readiness to *construct* the *sewage system*,

. . . . .

(c.1) of the substantial completion of the installation of the *sewage system* before the commencement of backfilling,

. . . . .

(k.1) of the completion of the *sewage system*.

5. Table 2.5.1.1. of the Regulation is amended by striking out the columns corresponding to "Peterborough, Petrolia, Pickering (Dunbarton), Picton and Plattsville" and substituting the following:

Table 2.5.1.1. (Cont'd)

## Design Data For Selected Locations in Ontario

Forming part of Sentence 2.5.1.1.(1)

Location	Design Temperature				Degree Days Below 18°C	15 Min. Rain., mm	One Day Rain., mm	Ann. Tot. Pcpn., mm	Snow and Rain Loads				Hourly Wind Pressures				Seismic Data	
	January		July 2½ %						Ground Loads, kPa	Composite Load, kPa	1/10, kPa	1/30, kPa	1/100, kPa	z,	Zonal velocity ratio, v			
	2½, °C	1½, °C	Dry, °C	Wet, °C														
Peterborough	-23	-25	30	23	4 400	28	85	840	1.8	0.4	1.48	1.30	0.29	0.37	0.47	1	0.05	
Petrolia	-16	-18	31	24	3 850	25	100	920	1.2	0.4	1.12	1.00	0.35	0.43	0.52	0	0.00	
Pickering																		
(Dunbarton)	-19	-21	30	23	4 000	23	85	825	0.9	0.4	0.94	0.85	0.43	0.52	0.64	1	0.05	
Picton	-21	-23	29	23	4 050	23	85	940	1.8	0.4	1.48	1.30	0.37	0.45	0.54	1	0.05	
Plattsville	-18	-20	29	23	4 200	28	95	950	1.7	0.4	1.42	1.25	0.30	0.37	0.46	1	0.05	
Column 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

6. (1) Table 2.6.3.2 of the Regulation is amended by adding the following:

CSA	CAN3-B66-M90	Prefabricated Septic Tanks and Sewage Holding Tanks	8.2.2.2.(1) and (2), 8.2.2.2.(7)(a)
American Public Health Association, American Waterworks Association, Water Environment Federation	18th edition	Standard methods for the Examination of Water and Waste Water	8.9.2.3.(1)(a)
Col. 1	2	3	4

(2) Table 2.6.3.2. of the Regulation is further amended by adding "8.2.1.2.(2), 8.6.2.2.(5)," to the portion of column 4 corresponding to "MMAH" in column 1.

7. Sentences 2.7.2.1.(1) and 2.7.2.2.(1) of the Regulation are each amended by adding "8" after "7" in the first line.

8. (1) Sentence 2.8.1.1.(1) of the Regulation is amended by striking out "Subsection 29 (1) of the Act" and substituting "Clause 29 (1) (a) of the Act".

(2) Sentence 2.8.2.1.(1) of the Regulation is amended by striking out "Subsection 29 (1) of the Act" and substituting "Clause 29 (1) (a) of the Act".

9. Part 2 of the Regulation is amended by adding the following sections:

## 2.10. Building Code Commission

### 2.10.1. Hearings

#### 2.10.1.1. Divisions

(1) The Building Code Commission may sit in two or more divisions simultaneously so long as a quorum of each division is present.

#### 2.10.1.2. Single Member

(1) One member of the Building Code Commission may, with the approval of the chair or vice-chair, hear and determine any dispute respecting the technical requirements of the *building code* related to *sewage systems* and, for that purpose, the member has all the jurisdiction and powers of the Commission.

## Section 2.11. Qualifications for Inspectors

### 2.11.1. Scope

#### 2.11.1.1. Scope

(1) This Section prescribes the qualifications that a person must meet in order to be appointed as an *inspector* under the Act.

### 2.11.2. General

#### 2.11.2.1. General

(1) Except as provided in Subsection 2.11.3., no qualifications are prescribed for the purposes of Subsection 3 (2.1) of the Act.

## 2.11.3. Sewage System Inspectors

### 2.11.3.1. Qualifications

(1) The following are prescribed as qualifications for persons appointed under the Act as *inspectors* whose duties include plans review or inspection under the Act of *sewage systems*:

(a) subject to Article 2.11.3.3., the person must successfully complete an examination administered by the Ministry of Municipal Affairs and Housing of the person's knowledge of the Act, the *building code* and the *construction*, maintenance and operation of *sewage systems*; and

(b) the person must file the following information with the *director* in a form established by the *director*:

(i) the person's name and address;

(ii) the name and address of the *municipality*, county, board of health or conservation authority that has appointed the person as an *inspector* under the Act;

(iii) if Article 2.11.3.3. applies to that person, information concerning the person's employment by a *municipality*, county, board of health, conservation authority or the Ministry of the Environment during the period from April 5, 1996 to April 5, 1998 in respect of the examination of plans and inspection of *sewage systems* to determine compliance with Part VIII of the *Environmental Protection Act*; and

(iv) whether the person has successfully completed the examination referred to in Clause (1)(a) and, if so, the date and place of the examination.

(2) Subject to Sentence (3), the information required by Clause (1)(b) shall be updated every three years.

(3) The information required by Clause (1)(b) shall be updated on or before April 6, 1999 by a person who is exempt under Article 2.11.3.3. from the qualification referred to in Clause (1)(a), and after such updating Sentence (2) shall apply to the person.

### 2.11.3.2. Fees

(1) The fee payable upon filing or updating information under Article 2.11.3.1. is \$50.

(2) The Ministry of Municipal Affairs and Housing may charge a fee to persons taking the examination referred to in Clause 2.11.3.1.(1)(a).

### 2.11.3.3. Temporary Exemption

(1) The qualification referred to in Clause 2.11.3.1.(1)(a) does not apply until April 6, 1999 to a person who establishes to the *director* that the person has, during the period from April 5, 1996 to April 5, 1998, carried out plans review or inspections of *sewage systems* for at least four months as an employee of a *municipality*, county, board of health, conservation authority or the Ministry of the Environment to determine compliance with Part VIII of the *Environmental Protection Act*.

## Section 2.12. Qualifications for Persons Engaged in the Business of Constructing On Site, Installing, Repairing, Servicing, Cleaning or Emptying Sewage Systems

### 2.12.1. Scope

#### 2.12.1.1. Scope

(1) This section prescribes the qualifications that a person must meet where the person is engaged in the business of *constructing on*

site, installing, repairing, servicing, cleaning or emptying *sewage systems*.

## 2.12.2. Definitions

### 2.12.2.1. Definitions

(1) In this Section,

*License* means a license referred to in Article 2.12.3.1.

*Licensee* means the holder of a *license*.

*Tribunal* means the Commercial Registration Appeal Tribunal.

## 2.12.3. Qualifications

### 2.12.3.1. General

(1) Except as provided in Sentence (3), persons engaged in the business of *constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems* must meet the following qualification:

(a) the person must hold a valid *license* issued by the *director*.

(2) A *license* shall be in a form established by the *director*.

(3) A person is exempt from the qualification in Sentence (1) in respect of the activities of cleaning and emptying *sewage systems* where the person has been issued a certificate of approval under Section 39 of the *Environmental Protection Act* in respect of the activities of cleaning and emptying *sewage systems*.

## 2.12.4. Licenses

### 2.12.4.1. Issuance and Renewal of License

(1) Subject to Article 2.12.4.7., the *director* shall issue or renew a *license* unless,

(a) the applicant or *licensee* or the person or persons who will, pursuant to Clause 2.12.4.6.(1)(a), supervise the *construction on site, installation, repair, servicing, cleaning or emptying of sewage systems* carried out by the applicant or *licensee*, do not meet the qualifications set out in Subclause 2.12.4.6.(1)(a)(i) or (ii);

(b) the application is incomplete;

(c) any fees due are unpaid; or

(d) an order under Subsection 69 (2) of the *Provincial Offences Act* is in effect directing that the license of the person be suspended and that no license be issued to that person until the fine is paid.

### 2.12.4.2. Application for Issuance or Renewal of License

(1) An application for the issuance or renewal of a *license* shall be made to the *director* in a form established by the *director*.

(2) An application for a renewal of a *license* shall be made at least 60 days prior to the expiry of the *license* being renewed.

(3) An application for the issuance or renewal of a *license* may require an undertaking by the applicant or *licensee* to comply with the conditions set out in Article 2.12.4.6.

(4) Where a partnership or a corporation is the applicant for the issuance or renewal of a *license*, an application for the issuance or

renewal of a *license* may require the names and addresses of all its partners, directors or officers, as the case may be.

(5) An application for the issuance or renewal of a *license* may require the applicant or *licensee* to provide the names and addresses of all persons, including partners, directors, officers or full-time employees of the applicant or *licensee*, as the case may be, who:

(a) meet the conditions set out in Subclauses 2.12.4.6.(1)(a)(i) or (ii); and

(b) will supervise the *construction on site, installation, repair, servicing, cleaning or emptying of sewage systems* to be carried out by the applicant or *licensee* under the *license*.

(6) An application for the issuance or renewal of a *license* may require the applicant or *licensee* to provide evidence that the persons referred to in Sentence (5) meet the conditions set out in Subclauses 2.12.4.6.(1)(a)(i) or (ii).

### 2.12.4.3. Term

(1) A *license* expires 3 years after the date of its issuance.

### 2.12.4.4. Fee

(1) The fee for the issuance or renewal of a *license* is \$50.

(2) The Ministry of Municipal Affairs and Housing may charge a fee to persons taking the examination referred to in Subclause 2.12.4.6.(1)(a)(i).

### 2.12.4.5. Not Transferable

(1) A *license* is not transferable.

### 2.12.4.6. Conditions

(1) The following are the conditions of a *license*:

(a) The *licensee* shall ensure that the *construction on site, installation, repair, servicing, cleaning or emptying of sewage systems* carried out by the *licensee* is supervised by:

(i) a person that has successfully completed an examination administered by the Ministry of Municipal Affairs and Housing of the person's knowledge of the Act, the *building code* and the *construction, maintenance and operation of sewage systems*; or

(ii) where the *construction on site, installation, repair, servicing, cleaning or emptying of the sewage system* takes place before April 6, 1999, by a person that has, during the period from April 5, 1996 to April 5, 1998, supervised for at least four months the *construction on site, installation, repair or servicing of sewage systems* carried out by a person that held a license under Clause 80 (1) (a) of the *Environmental Protection Act*.

(b) The *licensee* shall, within fifteen days after the event, notify the *director* in writing,

(i) of any change in address of the *licensee* for correspondence relating to the *license*, and

(ii) of any change in the information set out in Sentences 2.12.4.2.(3) to (6).

(c) The *licensee* shall give prompt written notice to the *director* of any material change in any of the information other than the

information referred to in Clause (1)(b) that is contained in or accompanies an application for the issuance or renewal of a license.

- (d) The licensee shall from time to time, at the licensee's expense, furnish the director with such documents or information relating to the license or to activities carried out under the license as the director may reasonably require.
- (e) The licensee shall allow the duly authorised representatives of the director access to the licensee's books and records during normal business hours for the purpose of confirming matters related to the license.

#### 2.12.4.7. Suspension, Revocation, Refusal to Issue or Renew a License

- (1) The director may, in the circumstances set out in Sentence (2):

- (a) refuse to issue or renew a license; or
- (b) suspend or revoke a license.

- (2) The circumstances referred to in Sentence (1) are:

- (a) the licensee is in contravention of the Act or this Code;
- (b) the licensee is in breach of a condition of a license;
- (c) the license was issued on the basis of mistaken, false or incorrect information;
- (d) the director is of the opinion that the past conduct of the applicant or licensee or, where the applicant or licensee is a partnership or a corporation, the partners, officers or directors of the licensee, as the case may be, affords reasonable grounds for belief that the business that would be or is authorized by the license will not be carried on in accordance with law; or
- (e) an order under Subsection 69 (2) of the *Provincial Offences Act* is in effect directing that the license of the person be suspended and that no license be issued to that person until the fine is paid.

(3) Where the director proposes to refuse to issue or renew a license or proposes to suspend or revoke a license, the director shall serve a notice of the proposal, together with the reasons therefore, on the applicant or licensee.

(4) A notice under Sentence (3) shall state that the applicant or licensee is entitled to a hearing before the Tribunal if the applicant or licensee, within 15 days after service of the notice referred to in Sentence (3), serves the director and the Tribunal with notice in writing requiring a hearing.

(5) Where an applicant or licensee does not require a hearing by the Tribunal in accordance with Sentence (4), the director may carry out the proposal stated in the notice under Sentence (3).

(6) Where an applicant or licensee requires a hearing before the Tribunal in accordance with Sentence (4), the Tribunal shall appoint a time for and hold a hearing and, on the application of the director at the hearing, may by order direct the director to carry out the director's proposal or refrain from carrying it out and to take such other action as the Tribunal considers the director ought to take in accordance with the Act and this Code, and for such purposes the Tribunal may substitute its opinion for that of the director.

(7) The director, the applicant or licensee who required the hearing, and such other persons as the Tribunal may specify, are parties to proceedings before the Tribunal.

(8) Despite Sentence (3), the director may cancel a license upon the request in writing of the licensee in a form established by the director.

(9) Where, within the time period set out in Sentence 2.12.4.2.(2), a licensee has applied for renewal of a license and paid the fee set out in Article 2.12.4.4., the license shall be deemed to continue,

- (a) until the renewal is granted, or
- (b) where the licensee is served with notice that the director proposes to refuse to renew the license, until the time for giving notice requiring a hearing has expired and, where a hearing is held, until the Tribunal has made its order.

(10) Sentences (3) to (9) do not apply where the director suspends or refuses to issue or renew a license for the purpose set out in Clause (2)(e).

#### 2.13. Designated Persons and Powers

##### 2.13.1. General

##### 2.13.1.1. General

(1) The director and employees of the Ministry of Municipal Affairs and Housing designated by the director are designated for the purposes of the enforcement of the Act and this Code in relation to the qualifications of inspectors and persons engaged in the business of constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems.

(2) The director may, for the purposes set out in Sentence (1), exercise the following powers under the Act of a chief building official:

- (a) certify for the purposes of Subsection 37 (2) of the Act statements as to any matter of record in the office of the director, and
- (b) apply for an order under Section 38 of the Act.

(3) The employees of the Ministry of Municipal Affairs and Housing designated by the director may, for the purposes set out in Sentence (1), exercise the following powers under the Act of an inspector:

- (a) subject to Section 16 of the Act, exercise the powers of entry for inspection purposes in Subsection 12 (1) of the Act, and
- (b) exercise the powers of an inspector under Section 18 of the Act.

(4) Sections 6 and 19 of the Act apply to the exercise of powers under this Article by the director and employees of the Ministry of Municipal Affairs and Housing designated by the director.

#### 2.14. Prescribed Person

##### 2.14.1. General

##### 2.14.1.1. General

(1) The director is prescribed for the purposes of Section 38.1 of the Act.

#### 2.15. Enforcement of the Provisions of the Act and Building Code Related to Sewage Systems

##### 2.15.1. General

##### 2.15.1.1. General

(1) Pursuant to Subsection 3.1 (1) of the Act, the boards of health and conservation authorities listed in column 1 of Table 2.15.1.1. shall

enforce the provisions of the Act and the *building code* related to *sewage systems* in the *municipalities* and the territory without municipal organization described in column 2 of Table 2.15.1.1.

**Table 2.15.1.1.**

Enforcement of the provisions of the Act and the <i>Building Code</i> Related to <i>Sewage Systems</i>	
Board of Health or Conservation Authority	Geographic Area
Board of Health for the Northwestern Health Unit	All <i>municipalities</i> and territory without municipal organization located in the Northwestern Health Unit
Board of Health for the Thunder Bay District Health Unit	All <i>municipalities</i> and territory without municipal organization located in the Thunder Bay District Health Unit
Board of Health for the Porcupine Health Unit	All <i>municipalities</i> and territory without municipal organization located in the Porcupine Health Unit
Board of Health for the District of Algoma Health Unit	All <i>municipalities</i> and territory without municipal organization located in the District of Algoma Health Unit
Board of Health for the Sudbury and District Health Unit	All <i>municipalities</i> and territory without municipal organization located in the Sudbury and District Health Unit
Board of Health for the Timiskaming Health Unit	All <i>municipalities</i> and territory without municipal organization located in the Timiskaming Health Unit
North Bay-Mattawa Conservation Authority	All <i>municipalities</i> and territory without municipal organization located in: <ol style="list-style-type: none"> <li>1. the District of Nipissing, except those parts of the District of Nipissing located in the Temiskaming Health Unit, and</li> <li>2. the District of Parry Sound except for the Township of The Archipelago, the geographic Townships of Blair, Brown, Harrison, Henvey, Mowat and Wallbridge and the unsurveyed territory north of the geographic Township of Henvey to the French River.</li> </ol>
Column 1	Column 2

10. The Table of Contents for Part 3 of the Regulation is amended by striking out the heading for Section 3.11.8. "Recirculation and Vacuum Systems for Public Pools" and substituting "Recirculation for Public Pools".

11. Sentence 3.1.16.1 (6) of the Regulation is amended by striking out "Sentence (6)" and substituting "Sentence (5)".

12. (1) Clause 3.2.2.9. (1) (a) of the Regulation is amended by striking out "1.800" and substituting "1 800".

(2) Article 3.2.4.19. of the Regulation is amended by adding the following Sentence:

(4) In all normally occupied spaces, the fire *alarm signal* sound pressure level

(a) shall be not more than 100 dBA when measured at a distance of 3 m from the device, or

(b) is permitted to be more than 100 dBA provided the sound pressure level measured 2 000 mm above the floor level is not more than 100 dBA.

(3) Sentence 3.2.6.14.(3) of the Regulation is amended by striking out "Article 3.2.3.7" and substituting "Article 3.2.7.3."

13. (1) Sentence 3.3.1.10.(2) of the Regulation is amended by striking out "or" at the end of clause (c), adding "or" at the end of clause (b) and revoking clause (d).

(2) Sentence 3.3.2.4.(14) of the Regulation is revoked and the following substituted:

(14) Side aisles shall be not less than 1 100 mm wide if seating is provided in conformance with Sentence 3.3.2.3.(4).

14. Sentence 3.7.1.3.(3) of the Regulation is amended by striking out "2300 m" and substituting "2 300 mm".

15. (1) Clause 3.8.2.2.(3)(a) of the Regulation is revoked and the following substituted:

(a) an access aisle not less than 1 500 mm wide and 6 m long adjacent and parallel to the vehicle pull-up space.

(2) Clause 3.8.3.2.(3)(a) of the Regulation is revoked and the following substituted:

(a) have a maximum gradient of 1 in 7.5,

16. (1) Sentence 3.15.1.1.(2) of the Regulation is revoked and the following substituted:

(2) For the purposes of this Section and Sentences 11.4.2.1(1) and 11.4.2.5.(4), the changes of use set out in Clauses (1)(b) to (d) shall also be deemed to constitute a change in *major occupancy*.

(2) Sentences 3.15.2.2.(2) and (3) of the Regulation are revoked and the following substituted:

(2) For the purposes of Sentence (1), reduction of *performance level* shall be determined in accordance with Articles 11.4.2.1, 11.4.2.3. and 11.4.2.5.

(3) Where the proposed *construction* would reduce the *performance level* of an existing *building*, compensating *construction* shall be required in conformance with Articles 11.4.3.1., 11.4.3.2, 11.4.3.4. and 11.4.3.6.

17. Sentence 7.4.10.2.(2) of the Regulation is amended by striking out "trap of the size" and substituting "size of the trap".

18. The Regulation is amended by adding the following Part:

#### PART 8

Section	8.1.	General
	8.1.1.	Scope
	8.1.2.	Application
	8.1.3.	Limitations
Section	8.2.	Design Standards
	8.2.1.	General requirements
	8.2.2.	Treatment and Holding Tanks
Section	8.3.	Class 1 Sewage Systems
	8.3.1.	General requirements
	8.3.2.	Superstructure Requirements
	8.3.3.	Earth Pit Privy
	8.3.4.	Privy Vaults and Pail Privy

	8.3.5	Portable Privy
Section	8.4.	Class 2 Sewage Systems
	8.4.1.	General Requirements
	8.4.2.	Design and Construction Requirements
Section	8.4.	Class 2 Sewage Systems
	8.4.1.	General Requirements
	8.4.2.	Design and Construction Requirements
Section	8.5.	Class 3 Sewage Systems
	8.5.1.	General Requirements
	8.5.2.	Design and Construction Requirements
Section	8.6.	Class 4 Sewage Systems
	8.6.1.	General Requirements
	8.6.2.	Treatment Units
Section	8.7.	Leaching Beds
	8.7.1.	General Requirements
	8.7.2.	Construction Requirements
	8.7.3.	Absorption Trench Construction
	8.7.4.	Fill Based Absorption Trenches
	8.7.5.	Filter Beds
	8.7.6.	Shallow Buried Trenches
Section	8.8.	Class 5 Sewage Systems
	8.8.1.	Application
	8.8.2.	General Requirements
	8.7.2.	Construction Requirements
	8.7.3.	Absorption Trench Construction
	8.7.4.	Fill Based Absorption Trenches
	8.7.5.	Filter Beds
Section	8.9.	Operation and Maintenance
	8.9.1.	General
	8.9.2.	Operation
	8.9.3.	Maintenance

## Part 8 Sewage Systems

### Section 8.1. General

#### 8.1.1. Scope

##### 8.1.1.1. Scope

(1) The scope of this Part shall be as described in Section 2.1. and applies to the design, construction, operation, and maintenance of sewage systems.

##### 8.1.1.2. Definitions

(1) In this Part,

*Soil* means in-situ, naturally occurring, unconsolidated mineral or organic material, at the earth's surface which is at least 100 mm thick and capable of supporting plant growth, and includes material compacted or cemented by soil forming processes, but does not include displaced materials such as gravel dumps, mine spoils, or like deposits.

#### 8.1.2. Application

##### 8.1.2.1. Classification of Systems

(1) All sewage systems shall be classed as one of the following:

- (a) Class 1 -- a chemical toilet, an incinerating toilet, a recirculating toilet, a self-contained *portable toilet* and all forms of privy including a *portable privy*, an *earth pit privy*, a *pail privy*, a *privy vault* and a composting toilet system,
- (b) Class 2 -- a *greywater* system,
- (c) Class 3 -- a cesspool,
- (d) Class 4 -- a *leaching bed* system,
- (e) Class 5 -- a system which requires or uses a *holding tank* for the retention of *hauled sewage* at the site where it is produced prior to its collection by a *hauled sewage system*,

##### 8.1.2.2. Operation and Maintenance

(1) Operation and maintenance of *sewage systems* shall comply with Section 8.9.

##### 8.1.3. Limitations

###### 8.1.3.1. Discharge

(1) Except as provided in Sentences (2) to (5) the *sewage system* shall be designed and constructed to receive only *sanitary sewage* of domestic origin.

(2) Where laundry waste is not more than 20 per cent of the total daily design *sanitary sewage* flow, it may discharge to a *sewage system*.

(3) Where industrial process waste water is treated to the contaminant levels found in domestic *sanitary sewage* it may discharge to a *leaching bed* provided the *treatment unit* and *sewage system* are designed in accordance with good engineering practice.

(4) Where all kitchen waste water from a restaurant has passed through an operating grease interceptor, it may discharge to a *leaching bed system* provided the *sewage system* has been designed in accordance with good engineering practice.

(5) Water softener and iron filter discharge may be directed to the *sewage system* provided the system has been designed to accept such discharges.

(6) *Storm sewage* shall not be discharged into a *sewage system*.

(7) The interceptor required in Sentence (4) shall have a minimum flow rate as required by Sentence 7.4.4.3.(8) using a 60 second drain down time.

### 8.2. Design Standards

#### 8.2.1. General Requirements

##### 8.2.1.1. Scope

(1) This Subsection applies to the design of *sewage systems*.

##### 8.2.1.2. Site Evaluation

(1) A site evaluation shall be conducted on every site where a new or replacement *sewage system* is to be installed.

(2) The *percolation time* shall be determined by either percolation tests or by classifying the *soil* according to the Unified Soil Classification System as described in the Supplementary Guidelines to the 1997 OBC.

(3) Where the *percolation time* is determined by a percolation test, there shall be a minimum of 3 locations selected, suitably spaced to



accurately evaluate the *leaching bed* area, with the highest *percolation time* of the tests being used.

### 8.2.1.3. Sewage System Design Flows

(1) For *residential occupancies*, the total daily design *sanitary sewage* flow shall be at least the value in Column 2 as determined from Table 8.2.1.3.A.

(2) For all other *occupancies*, the total daily design *sanitary sewage* flow shall be at least the value as determined from the formula:

$$Q = 24 * \frac{V}{R}$$

where:

- Q = the total daily design *sanitary sewage* flow  
 V = the volume in litres from Column 3 of Table 8.2.1.3.B.  
 R = the runoff time in hours from Column 2 of Table 8.2.1.3.B

(3) Where a *building* contains more than one establishment, the total daily design *sanitary sewage* flow shall be the sum of the total daily design *sanitary sewage* flow for each establishment.

(4) Where an *occupancy* is not listed in Table 8.2.1.3.B., the highest of metered flow data from at least 6 similar establishments shall be acceptable for determining total daily design *sanitary sewage* flow.

**Table 8.2.1.3.A.**

Forming part of Sentence 8.2.1.3.(1)

<i>Residential Occupancy</i>	Volume (Litres)
Apartments, Condominiums, Other Multi-family Dwellings—per person <sup>1</sup> .	275
Boarding Houses	
a) Per person,	
i) with meals and laundry facilities, or,	200
ii) without meal or laundry facilities, and	150
b) Per non-resident staff per 8 hour shift	40
Boarding School—per person	300
Dwellings under 200 m <sup>2</sup> and with 20 <i>fixture units</i> or less. <sup>3</sup>	
a) 1 Bedroom Dwelling	750
b) 2 Bedroom Dwelling	1100
c) 3 Bedroom Dwelling	1600
d) 4 Bedroom Dwelling	2000
e) Add for each Bedroom over 4	300
Dwellings over 200 m <sup>2</sup> or more than 20 <i>fixture units</i>	
a) up to a 3 bedroom dwelling	2500
b) 4 Bedroom Dwelling	3000
c) Additional flows for <sup>2</sup>	500
i) each bedroom over 4,	500
ii) each 70 m <sup>2</sup> (or part thereof) over 200 m <sup>2</sup> , or	500
iii) 10 <i>fixture units</i> (or part thereof) over 20 <i>fixture units</i>	500
Hotels and Motels (excluding bars and restaurants)	
a) Regular per room	250
b) Resort hotel, camp, cottages etc. per person	500
c) Self service laundry, add per machine	2500

Work Camp/Construction Camp, semi-permanent per worker	250
Column 1	2

### Notes for Table 8.2.1.3.A.:

- The *occupant load* shall be calculated using Subsection 3.1.16.
- Where multiple calculations of sewage volume is permitted the calculation resulting the highest flow shall be used in determining the design daily *sanitary sewage* flow.
- Total finished area.

**Table 8.2.1.3.B.**

Forming part of Sentence 8.2.1.3.(2)  
 Other *Occupancies*

Establishments <sup>1</sup>	Runoff <sup>2</sup> (hrs)	Volume (Litres)
Airports, Bus Terminals, Train Stations, Dock/Port Facilities (Food Services Excluded)		
a) Per Passenger, and	16	20
b) Per Employee per 8 hour shift	8	40
Assembly Hall per seat		
a) No food service, or	4	8
b) Food Service Provided	4	36
Barber Shop/Beauty Salon per service chair	16	650
Bowling Alleys (Food Service not included) per lane	8	400
Churches per seat		
a) No kitchen facilities, or	4	8
b) Kitchen facilities provided	4	36
Country Club (Excluding Food Service)		
a) Per Resident,	16	375
b) Per employee per 8 hour shift, and	8	50
c) Per member or patron	16	40
Day Care Facility per person (staff and children)	12	75
Dentist Office		
a) Per wet service chair, and	16	275
b) Per dry service chair	16	190
Doctors Office		
a) Per practitioner, and	16	275
b) Per employee per 8 hour shift	8	75
Factory (excluding process or cleaning waters) per employee per 8 hour shift		
a) No showers, or	8	75
b) Including showers	8	125
Flea Markets <sup>3</sup> (Open 3 or less days per week)		
a) Per non-food service vendor space,	16	60
b) Per food service establishment		
9.25 m <sup>2</sup> of floor space, and	16	190
c) per limited food service outlet	16	95
Food Service Operations		
a) Restaurant (Not 24 hour) per seat	8-12	125
b) Restaurant (24 hour) per seat	16	200
c) Restaurant on controlled access highway per seat	24	400
d) Paper Service Restaurant per seat	8-12	60
e) Donut Shop per seat	16	450
f) Bar and Cocktail Lounge per seat	8-12	125
g) Drive-in Restaurant per parking space	8-12	60
h) Take-out Restaurant (no seating area)		
i) Per 9.25 m <sup>2</sup> of floor area, and	8-12	190
ii) Per employee per 8 hour shift	8	75
i) Cafeterias per meal	16	12

j) Food outlets (excluding delis, bakeries or meat departments)		
i) per 9.25 m <sup>2</sup> of floor space,	16	40
ii) per 9.25 m <sup>2</sup> of deli floor space,	16	190
iii) per 9.25 m <sup>2</sup> of bakery floor space,	16	190
iv) per 9.25 m <sup>2</sup> of meat department floor space, and	16	380
v) per Water Closet	16	950
Hospitals per Bed		
a) Including laundry facilities, or	16	750
b) Excluding laundry facilities	16	550
Nursing Homes, Rest Homes, etc. per bed	16	450
Office Building <sup>4</sup>		
a. Per employee per 8 hour shift, or	8	75
b. Per each 9.3 m <sup>2</sup> of floor space	8	75
Public Parks		
a) With toilets only per person, or	8	20
b) With bathhouse, showers, and toilets per person	8	50
Recreational Vehicle or Campground Park		
a) Per site without water or sewer hook-up, or	16	275
b) Per site with water and sewer hook-up	16	425
Schools per student		
a) Day school,	8	30
b) With showers,	8	50
c) With cafeteria, and	8	30
d) Per non-teaching employee per 8 hour shift	8	50
Service Stations (No vehicle washing)		
a) Per water closet,	16	950
b) Per fuel outlet, and	16	560
c) Per vehicle served	16	20
Shopping Centre (Excluding Food and Laundry) per 1.0 m <sup>2</sup> of floor space	16	5
Stadiums, Race Tracks, Ball Parks per seat	4-8	20
Stores <sup>4</sup>		
a) Per 1.0 m <sup>2</sup> of floor area, or	16	5
b) Per water closet	16	1230
Swimming and Bathing Facilities (Public) per person	8	40
Theaters		
a) Indoor, auditoriums per seat,	6	20
b) Outdoor, drive-ins per space, or	6	40
c) Movie theaters per seat	3-8	15
Veterinary Clinics		
a) Per practitioner,	16	275
b) Per employee per 8 hour shift, and	8	75
c) Per stall, kennel, or cage if floor drain connected	16	75
Warehouse		
a) Up to 9,300 m <sup>2</sup> per 90 m <sup>2</sup> of floor area, or	16	285
b) Over 9,300 m <sup>2</sup> per 90 m <sup>2</sup> of floor area		
i) Per water closet, or	16	950
ii) Per loading bay	16	380
Column 1	2	3

3. Flea Markets open more than 3 days per week shall be assessed using the volumes stated under the heading "Stores".
4. Where multiple calculations of *sanitary sewage* volume is permitted the calculation resulting in the highest flow shall be used in determining the design daily *sanitary sewage* flow.

#### 8.2.1.4. Clearances

(1) Unless it can be shown to be unnecessary, where the *percolation time* is 10 minutes or greater, the location of all components within a *sewage system* shall be in conformance with the clearances listed in Articles 8.2.1.5. or 8.2.1.6.

(2) Unless it can be shown to be unnecessary, where the *percolation time* is less than 10 minutes, the clearances listed in Articles 8.2.1.5. and 8.2.1.6. for wells, lakes, ponds, reservoirs, rivers, springs or streams shall be increased to compensate for the lower *percolation time*.

(3) No *building* shall be *constructed* closer to any part of a *sewage system* than the clearances listed in Articles 8.2.1.5. or 8.2.1.6.

#### 8.2.1.5. Clearance Distances for Class 1, 2 and 3 Sewage Systems

(1) Except as provided in Sentences 8.2.1.4.(1) and (2), no Class 1, 2, or 3 *sewage system* shall have a horizontal distance of less than that permitted by Table 8.2.1.5.

Table 8.2.1.5.

Forming Part of Sentence 8.2.1.5.(1)

Clearance Distances for Class 1, 2 and 3 Sewage Systems				
	Minimum horizontal distance in metres from a spring used as a source of <i>potable</i> water or well other than a well with a watertight casing to a depth of at least 6 m	Minimum horizontal distance in metres from a lake, river, pond, stream, reservoir, or a spring not used as a source of <i>potable</i> water	Minimum horizontal distance in metres from a Property Line	
Earth Pit				
Privy	15	30	15	3
Privy Vault				
Pail Privy	10	15	10	3
Greywater System	10	15	15	3
Cesspool	30	60	15	3
Column 1	2	3	4	5

#### 8.2.1.6. Clearances for a Class 4 or 5 Sewage System

(1) Except as provided in Sentences 8.2.1.4.(1) and (2), a *treatment unit* shall not be located closer than the minimum horizontal distances as set out in Table 8.2.1.6.A.

(2) Except as provided in Sentences 8.2.1.4.(1) and (2), a *distribution pipe* shall not be located closer than the minimum horizontal distances set out in Table 8.2.1.6.B. and these distances shall be increased when required by Sentence 8.7.4.2.(9).

#### Notes for Table 8.2.1.3.B:

1. The *occupant load* shall be calculated using Subsection 3.1.16.
2. The runoff period used to determine the total daily design *sanitary sewage* flow shall be based on the expected period over which the *sanitary sewage* is generated.

(3) Except as provided in Sentences 8.2.1.4.(1) and (2), a *holding tank* shall not be located closer than the minimum horizontal distances set out in Table 8.2.1.6.C.

**Table 8.2.1.6.A.**

Forming part of Sentence 8.2.1.6.(1)

Minimum Clearances for <i>Treatment Units</i>	
Structure	1.5 m
Well	15 m
Lake	15 m
Pond	15 m
Reservoir	15 m
River	15 m
Spring	15 m
Stream	15 m
Property Line	3 m
Column 1	2

**Table 8.2.1.6.B.**

Forming part of Sentence 8.2.1.6.(2)

Minimum Clearances for <i>Distribution Piping</i>	
Structure	5 m
Well with a watertight casing to a depth of 6 m	15 m
Any other well	30 m
Lake	15 m
Pond	15 m
Reservoir	15 m
River	15 m
A spring not used as a source of <i>potable</i> water	15 m
Stream	15 m
Property Line	3 m
Column 1	2

**Table 8.2.1.6.C.**

Forming part of Sentence 8.2.1.6.(3)

Minimum Clearances for <i>Holding Tanks</i>	
Structure	1.5 m
Well with a watertight casing to a depth of at least 6 m	15 m
Any other well	15 m
A spring	15 m
Property Line	3 m
Column 1	2

## 8.2.2. Treatment and Holding Tanks

### 8.2.2.1. Application

(1) This Subsection applies to any tank used in a *sewage system* for collecting, treating, holding or storing *sanitary sewage*.

### 8.2.2.2. Tanks

(1) A tank that is used as a *treatment unit* in a Class 4 *sewage system* or a *holding tank* in a Class 5 *sewage system*, shall conform to the requirements of CAN3-B66 "Prefabricated Septic Tanks and Sewage Holding Tanks".

(2) Material standards, access, and *construction* methods and practices for a tank used for other Classes of *sewage systems* shall conform to the CAN3-B66 "Prefabricated Septic Tanks and Sewage Holding Tanks".

(3) Sentence (2) does not apply to a tank that is an integral part of a prefabricated Class 1 *sewage system*.

(4) Access openings shall be located to facilitate the pumping of all compartments and the servicing of the inlet and outlet of each compartment not accessible by removal of the tank top or part thereof.

(5) A tank shall not be covered by *soil* or *leaching bed fill* having a depth greater than the maximum depth of burial that the tank is designed to withstand.

(6) A tank shall be securely anchored when located in an area subject to flooding or where *ground water* levels may cause hydrostatic pressures.

### 8.2.2.3. Septic Tanks

(1) The minimum *working capacity* of a *septic tank* shall not be less than twice the daily design *sanitary sewage* flow, except that in no case shall the *working capacity* of the *septic tank* be less than 3 600 L.

(2) Every *septic tank* shall be *constructed* in such a manner that any *sanitary sewage* flowing through the tank will pass through at least 2 compartments.

(3) The *working capacity* of the compartments required in Sentence (2) shall be sized such that:

- (a) the first compartment is at least 1.3 times the daily design *sanitary sewage* flow but in no case less than 2 400 L, and
- (b) each subsequent compartment shall be at least 50 per cent of the first compartment.

(4) Where multiple tanks are to be used to meet the requirements of Sentences (2) and (3), the tanks shall be connected in series such that:

- (a) the first tank in the series shall have at least a capacity as calculated in Clause (3)(a), however at no time shall a tank having a *working capacity* of less than 3 600 L be used,
- (b) all additional tanks after the first tank, excluding pump or dosing tanks shall have at least a *working capacity* equal to Clause (3)(b),
- (c) the minimum liquid level drop between the outlet of one tank and the inlet of the next tank in the series shall be 150 mm,
- (d) there shall be no partitions in the tank except where a partition is required to maintain the structural integrity of the tank, in which case openings within the partition shall be provided to

allow the free movement of *sanitary sewage* throughout the tank,

(e) all tanks shall be connected such that the cross-sectional area of the inlet into the second and subsequent tanks, except pump or dosing tanks, is between 3 and 5 times the cross-sectional area of the inlet into the first tank, and

(f) all piping between tanks shall be continuous and shall be connected to the tank through the use of flexible watertight seals which will permit differential movement between the tanks.

(5) Partitions separating the *septic tank* into compartments shall extend at least 150 mm above the liquid level at the outlet, and there shall be one or more openings through or above the partition.

(6) The openings required between compartments referred to in Sentence (2) shall have a total cross-sectional area of at least three times the area of the inlet pipe and be located between the top and a level 150 mm above the liquid level at the outlet to provide for the free flow of air between compartments.

(7) *Sanitary sewage* shall pass from one compartment to another of the *septic tank* by means of either,

(a) a device similar to that described in CAN3-B66 "Prefabricated Septic Tanks and Sewage Holding Tanks" for outlet devices, or

(b) through two or more openings through the partition located in a horizontal line, and evenly spaced across the width of the partition, centred at approximately 40 per cent of the liquid depth below the surface of the liquid, and having a total area of between three and five times that of the cross-sectional area of the inlet pipe.

(8) A *septic tank* shall be of such design and construction as will permit the collection and holding of *sanitary sewage* therein to a depth of not less than 1 200 mm except that a depth of not less than 900 mm is permitted where the excavation is in rock, or to avoid rupture or displacement of the tank due to *ground water* pressure.

#### 8.2.2.4. Holding Tanks

(1) All *holding tanks* shall be of such design and construction as will allow the complete removal of solid matter that can be expected to settle in the *holding tank* through an apparatus or device suitable for allowing the contents of the *holding tank* to be removed from the *holding tank*.

(2) A *holding tank* shall have a *working capacity* of not less than 9 000 L.

(3) Where two or more tanks are used to meet the requirement of Sentence (2), they shall be deemed to be one *holding tank* provided they are connected in such a manner as will allow the *sanitary sewage* contained therein to flow between the tanks.

(4) The *working capacity* of the tanks described in Sentence (3) shall not include any portion of any tank that cannot be completely drained due to the manner in which the connections are made.

### Section 8.3. Class 1 Sewage Systems

#### 8.3.1. General Requirements

##### 8.3.1.1. Scope

(1) This Section applies to the construction of a Class 1 *sewage system*.

#### 8.3.1.2. Application

(1) Except as provided in Sentence (2), a Class 1 *sewage system* shall be designed only to receive human body waste for disposal.

(2) Where the *sewage system* is specifically designed for the biological decomposition of non-waterborne biodegradable kitchen wastes or requires the addition of small quantities of plant matter to improve the decomposition of human body waste, it may receive such wastes in addition to human body waste.

(3) Where the *sewage system* is designed with a drain for the removal of excess liquid, then the *sewage system* shall drain to a Class 3, 4, or 5 *sewage system*.

#### 8.3.2. Superstructure Requirements

##### 8.3.2.1. Construction Requirements

(1) A privy as described in Subsections 8.3.3., 8.3.4. and 8.3.5. shall be enclosed with a superstructure that:

- (a) is constructed of strong durable weatherproof materials,
- (b) has a solid floor supported by a sill constructed of treated timber, masonry or other material of at least equal strength and durability,
- (c) is easily sanitized,
- (d) unless it is equipped solely as a urinal, is equipped with one or more seats each having a cover and being supported by an enclosed bench or riser which is lined with an impervious material on all interior vertical surfaces,
- (e) is equipped with a self-closing door,
- (f) has one or more openings for purposes of ventilation, all of which are screened,
- (g) has a ventilation duct that is screened at the top end and that extends from the underside of the bench or riser to a point above the roof of the superstructure, and
- (h) shall not have any openings for the reception of human body waste, other than urinals and those constructed in accordance with Clause (1)(d).

#### 8.3.3. Earth Pit Privy

##### 8.3.3.1. Construction Requirements

(1) An *earth pit privy* shall be constructed in the following manner:

- (a) the bottom of the pit shall be at least 900 mm above the *high ground water table*,
- (b) the sides of the pit shall be reinforced so as to prevent collapse thereof,
- (c) the pit shall be surrounded on all sides and on its bottom by not less than 600 mm of *soil* or *leaching bed fill*, and
- (d) the *soil* or *leaching bed fill* around the base of the sides of the superstructure of the *earth pit privy* shall be raised or mounded to a height of at least 150 mm above ground level.

### 8.3.4. Privy Vaults and Pail Privy

#### 8.3.4.1. Construction Requirements

(1) A privy-vault or a *pail privy* shall be *constructed* in the following manner:

- (a) the container or structure which is to be used for the holding or storage of *sanitary sewage* shall be watertight and made of a material which can be easily cleaned,
- (b) the *soil* or *leaching bed fill* around the base of the sides of the superstructure shall be raised or mounded to a height of at least 150 mm above ground level, and
- (c) the surface of the ground in the area of the privy-vault or *pail privy* shall be so graded that surface drainage will be diverted away from the privy.

### 8.3.5. Portable Privy

#### 8.3.5.1. Construction Requirements

- (1) A *portable privy* shall be *constructed* in the following manner:
  - (a) the *portable privy* shall have a watertight receptacle which shall be suitable for the holding and storage of any *sanitary sewage* deposited therein,
  - (b) the receptacle for the holding and storage of sewage shall be designed and *constructed* in such a manner as to allow it to be easily emptied and cleaned, and
  - (c) the *portable privy* shall be *constructed* of such material and in such a manner that it can withstand the stresses to which it will be subjected during its transportation to and from sites where it is to be used and during loading and unloading from vehicles used for the transportation of the *portable privy* to and from sites where it is to be used.

## Section 8.4. Class 2 Sewage Systems

### 8.4.1. General Requirements

#### 8.4.1.1. Scope

(1) This Section applies to the *construction* of a Class 2 *sewage system*.

#### 8.4.1.2. Application

(1) A Class 2 *sewage system* shall be designed only for the treatment and disposal of *greywater*.

(2) A Class 2 *sewage system* shall not be *constructed* where there is a supply of pressurized water.

### 8.4.2. Design and Construction Requirements

#### 8.4.2.1. Construction Requirements

(1) The bottom of the pit shall be at least 900 mm above the *high ground water table*.

(2) The pit shall be *constructed* in such a manner as to prevent the collapse of its sidewalls.

(3) Any material used to support or form the sidewalls of the pit shall be an open jointed material of a type that will permit *leaching* from the pit.

(4) The pit shall be provided with a tight, strong cover that shall remain over the pit except when it is necessary to remove it for purposes of adding *greywater* to or removing *greywater* from the pit or for purposes of maintenance of the pit.

(5) The earth around the perimeter of the pit shall be raised or mounded to a height of at least 150 mm above ground level.

(6) The surface of the ground in the area of the pit shall be so graded that surface drainage in the area will be diverted away from the pit.

(7) The pit shall be surrounded on all sides and on its bottom by at least 600 mm of *soil* having a *percolation time* of less than 50 minutes.

#### 8.4.2.2. Maximum Sewage Flow

(1) A Class 2 *sewage system* shall not be *constructed* where the daily design *greywater* flow to the system exceeds 1 000 L/day.

#### 8.4.2.3. Sizing

(1) A Class 2 *sewage system* shall be designed and *constructed* so that the loading rate to the side walls shall be not more than the value calculated using

$$L_R = \frac{400}{T}$$

where  $L_R$  = Loading rate of the sidewalls in litres per day/m<sup>2</sup>  
 $T$  = Percolation time

## Section 8.5. Class 3 Sewage Systems

### 8.5.1. General Requirements

#### 8.5.1.1. Scope

(1) This Section applies to the *construction* of a Class 3 *sewage system*.

#### 8.5.1.2. Application

(1) A Class 3 *sewage system* shall not be *constructed* where the daily design *sanitary sewage* flow to the system exceeds 1 000 L/day.

(2) A Class 3 *sewage system* shall be designed to receive only the contents of a Class 1 *sewage system* or *effluent* from a Class 1 *sewage system* for disposal.

### 8.5.2. Design and Construction Requirements

#### 8.5.2.1. Construction Requirements

(1) The bottom of the cesspool shall be at least 900 mm above the *high ground water table*.

(2) The cesspool shall be *constructed* in such a manner as to prevent the collapse of its sidewalls.

(3) Any material used to support or form the sidewalls of the cesspool shall be an open jointed material of a type that will permit *leaching* from the cesspool.

(4) The cesspool shall be provided with a tight strong cover that shall remain over the cesspool except when it is necessary to remove it

for the purposes of adding *sanitary sewage* to or removing *sanitary sewage* from the cesspool or for purposes of maintenance of the cesspool.

(5) Where the cesspool extends to the ground surface, the cover required in Sentence (4) shall be lockable.

(6) The *soil* or *leaching bed fill* around the perimeter of the cesspool shall be raised or mounded to a height of at least 150 mm above ground level.

(7) The surface of the ground in the area of the cesspool shall be so graded that surface drainage in the area will be diverted away from the cesspool.

(8) The cesspool shall be surrounded on all sides and on its bottom by at least 600 mm of *soil* or *leaching bed fill*, except the top where the cesspool extends to the surface of the ground.

## Section 8.6. Class 4 Sewage Systems

### 8.6.1. General Requirements

#### 8.6.1.1. Scope

(1) This section applies to the *construction* of a Class 4 *sewage system*.

#### 8.6.1.2. General Requirements

(1) The *treatment unit* shall be connected to a *leaching bed constructed* in accordance with the requirements of Section 8.7.

#### 8.6.1.3. Pumps and Siphons

(1) Where the total length of *distribution pipe* required is 150 m or more, the *sewage system* shall have at least one pump or a siphon contained in a dosing tank that may be a separate compartment within the tank structure, for distribution of the *effluent*.

(2) Alternating siphons shall not be installed in a *sewage system*.

(3) Where 2 or more pumps are employed within a dosing tank, the pumps shall be designed such that the pumps alternate dosing, and dosing shall continue in the event that one pump fails.

(4) Where a pump or siphon is required, the pump or siphon shall be designed to discharge a dose of at least 75 per cent of the internal volume of the *distribution pipe* within a time period not exceeding fifteen minutes.

### 8.6.2. Treatment Units

#### 8.6.2.1. Septic Tank Systems

(1) Where a *septic tank* system has been designed to incorporate an *effluent filter*, the *effluent filter* shall form an integral part of the outlet device or be contained within a separate tank or compartment which may form an integral part of the *septic tank* structure.

(2) All *effluent filters* shall be sized and installed in accordance with the manufacturer's recommendations.

#### 8.6.2.2. Other Treatment Units

(1) A *treatment unit* other than those described in Article 8.6.2.1. and Sentence (2) shall be designed such that *effluent* does not exceed the maximum concentrations stipulated in Column 2 of Table 8.6.2.2.A

(2) A *treatment unit* that is used in conjunction with a *leaching bed constructed as shallow buried trenches* shall be designed such that the *effluent* does not exceed the maximum concentrations stipulated in Column 3 of Table 8.6.2.2.A.

(3) All *treatment units* referred to in Sentences (1) and (2) that contain mechanical components shall be equipped with an audible and visual warning alarm so located to warn the occupants of the *building* served or the operator of the *treatment unit* of a malfunction in the operation of the *treatment unit*.

(4) All *treatment units* referred to in Sentences (1) and (2) shall permit the sampling of the *effluent*.

(5) A *treatment unit* described in the Supplementary Guidelines to the 1997 OBC is deemed to comply with the requirements of Table 8.6.2.2.A. as set out in the Guideline.

(6) Every manufacturer or distributor of a *treatment unit* shall provide, for each model sold, printed literature that describes the unit in detail and provides complete instructions regarding the operation, servicing, and maintenance requirements of the unit and its related components necessary to ensure the continued proper operation in accordance with the original design and specifications.

Table 8.6.2.2.A.

Forming Part of Sentences 8.6.2.2.(1), (2) and (5)

Other Treatment Unit Effluent Quality Criteria		
Parameter	Secondary Effluent <sup>1</sup>	Tertiary Effluent <sup>1</sup>
BOD <sub>5</sub>	40	15
CBOD <sub>5</sub>	30	10
Suspended Solids	30	10
Column 1	2	3

1. Maximum concentration based on 30 day averages in milligrams per Litre (mg/L)

## Section 8.7. Leaching Beds

### 8.7.1. General Requirements

#### 8.7.1.1. Application

(1) This Section is applicable to the *construction* of *leaching beds*.

### 8.7.2. Construction Requirements

#### 8.7.2.1. General Requirements

(1) A *leaching bed* shall not be located:

(a) in an area that has an average slope that exceeds one unit vertically to four units horizontally,

(b) in *soil* or *leaching bed fill* having a *percolation time*

i) less than one minute, or greater than 125 minutes if *constructed as a shallow buried trench*, or

ii) less than one minute, or greater than 50 minutes for all other *leaching beds*, or

- (c) in or on an area that is subject to flooding that may be expected to cause damage to the *leaching bed* or impair the operation of the *leaching bed*.

(2) A *leaching bed* shall not be covered with any material having a hydraulic conductivity less than 0.01 m/day.

(3) The surface of the *leaching bed* shall be shaped to shed water and together with the side slopes of any raised portion, shall be protected against erosion in such a manner as to not inhibit the evaporation and transpiration of waters from the *soil* or *leaching bed fill*, and to not cause plugging of the *distribution pipe*.

(4) No part of a *leaching bed* shall be sloped steeper than 1 unit vertically to 4 units horizontally.

(5) A *leaching bed* shall be designed to be protected from compaction or any stress or pressure that

(a) may result in the impairment or destruction of any pipe in the *leaching bed*, or

(b) may result in the smearing of the *soil* or *leaching bed fill*.

### 8.7.3. Absorption Trench Construction

#### 8.7.3.1. Length of Distribution Pipe

(1) The total length of *distribution piping* shall

(a) not be less than 30 m when constructed as a *shallow buried trench*, or

(b) not be less than 40 m for any other *absorption trench*.

(2) Except as provided in Sentences (1), (3), and (4) every *leaching bed* constructed by means of *absorption trenches* shall have a total length of *distribution pipe* not less than the value determined by the formula:

$$L = \frac{QT}{200}$$

where:

L = total length of *distribution pipe* in metres  
Q = the total daily design *sanitary sewage* flow in litres  
T = the design *percolation time*

(3) Except as provided in Sentence (1), where the *treatment unit* is described in Article 8.6.2.2., the *leaching bed* may have a total length of *distribution pipe* not less than the value determined by the formula:

$$L = \frac{QT}{300}$$

where:

L = total length of *distribution pipe* in metres  
Q = the total daily design *sanitary sewage* flow in litres  
T = the design *percolation time*

(4) Except as provided in Sentence (1), where the *leaching bed* is constructed as a *shallow buried trench*,

- (a) the total length of *distribution pipe* when located in or on *soil* or *leaching bed fill* of 50 minutes or less, shall not be less than the value determined by the formula:

$$L = \frac{Q}{75}$$

where:

L = total length of *distribution pipe* in metres  
Q = the total daily design *sanitary sewage* flow in litres

- (b) the total length of *distribution pipe* when located in or on *soil* or *leaching bed fill* of more than 50 minutes, shall not be less than the value determined by the formula:

$$L = \frac{Q}{40}$$

where:

L = total length of *distribution pipe* in metres  
Q = the total daily design *sanitary sewage* flow in litres

#### 8.7.3.2. Absorption Trenches

(1) Except as provided in Sentence (2), *absorption trenches* shall be,

(a) approximately the same length and not more than 30 m in length,

(b) at least 500 mm and not more than 1 000 mm in width,

(c) at least 600 mm and not more than 900 mm in depth,

(d) centred at least 1 600 mm apart,

(e) at least 900 mm at all points on the bottom of the *absorption trench*, or 900 mm from the surface of a filter bed above the *high ground water table*, rock or *soil* with a *percolation time* greater than 50 minutes, and

(f) backfilled, after the installation of the *distribution pipe* with *leaching bed fill*, so as to ensure that after the *leaching bed fill* settles, the surface of the *leaching bed* will not form any depressions.

(2) *Absorption trenches* constructed as *shallow buried trenches* shall be

(a) approximately the same length and not more than 30 m in length,

(b) at least 300 mm and not more than 600 mm in width,

(c) approximately 600 mm in depth,

(d) centred at least 1 600 mm apart,

(e) at least 900 mm at all points on the bottom of the *absorption trench* above the *high ground water table* or rock, and

(f) backfilled, after the installation of the *distribution pipe* with *leaching bed fill*, so as to ensure that after the *leaching bed fill* settles, the surface of the *leaching bed* will not form any depressions.



**8.7.3.3. Distribution Pipe**

(1) The *distribution pipe* used in the construction of a *leaching bed* shall be

- (a) of not less than 3 in. trade size for gravity flow systems, or 1 in. trade size for pressurized systems,
- (b) installed on a layer or covering at least 150 mm in depth and 500 mm in width comprised of stone that is either
  - i) 19 mm clear aggregate washed to be free of fine material, or
  - ii) clean gravel screened to between 19 mm and 53 mm in size,
- (c) installed with a uniform downward slope from the inlet with a drop of not less than 30 mm and not more than 50 mm for each 10 m of *distribution pipe*, and
- (d) covered with stone of the type used below the *distribution pipe* to a height of at least 50 mm above the top of the *distribution pipe*.

(2) Prior to backfilling, the stone layer required in Clause (1)(d) shall be protected in such a manner so as to prevent *soil*, or *leaching bed fill* from entering the stone by completely covering with:

- (a) untreated building paper, or
- (b) a permeable geo-textile fabric.

(3) Every pressurized *distribution pipe* shall be self-draining so as to prevent freezing of its contents.

(4) Every pressurized *distribution pipe* shall have orifices of at least 3 mm in diameter, spaced equally along the length of the pipe.

**8.7.4. Fill Based Absorption Trenches****8.7.4.1. Loading Requirements**

(1) The area described in Sentence 8.7.4.2.(1) shall be designed for a daily loading rate of not more than 6 L/m<sup>2</sup>.

**8.7.4.2. Construction Requirements**

(1) A *leaching bed* comprised of *absorption trenches* may be constructed in *leaching bed fill* provided that the unsaturated *soil* complying with Clause 8.7.2.1.(1)(b) extends

- a) to a depth of at least 250 mm over the area covered by the *leaching bed fill*, and
- b) for at least 15 m beyond the outer *distribution pipes* in any direction in which the *effluent* entering the *soil* will move horizontally.

(2) Where the unsaturated *soil* described in Sentence (1) has a *percolation time* of greater than 15 minutes, any *leaching bed fill* added to form the *leaching bed* shall have a *percolation time* not less than 75 per cent of the unsaturated *soil*.

(3) Sentence (2) does not apply to any *leaching bed fill* added as backfill above the stone layer in which the *distribution pipe* is located.

(4) All *leaching bed fill* added shall be stabilized against erosion.

(5) The site to which the *leaching bed fill* is added shall be generally clear of vegetation.

(6) The *leaching bed fill* that is added shall be compacted in layers in such a manner as to avoid uneven settlement of the *distribution pipes*.

(7) Any *distribution boxes*, *header lines*, *absorption trenches*, or *distribution pipes* shall be installed only after the *leaching bed fill* has been compacted in accordance with Sentence (6).

(8) The sides of the added *leaching bed fill* shall be sloped to ensure stability, but shall not be steeper than 1 unit vertically to four units horizontally.

(9) The distances as set out in Column 2 of Table 8.2.1.6.B shall be increased by twice the height that the *leaching bed* is raised above the original grade.

**8.7.5. Filter Beds****8.7.5.1. Application**

(1) The total daily design *sanitary sewage* flow shall not exceed 5 000 L where the *treatment unit* is a *septic tank*, or 10 000 L where the *treatment unit* is described in Article 8.6.2.2.

**8.7.5.2. Loading Requirements**

(1) The effective area of the surface of the filter medium in each filter bed shall be at least 10 m<sup>2</sup> and not more than 50 m<sup>2</sup>.

(2) The area described in Sentence 8.7.4.2.(1) shall be designed for a daily loading rate of not more than 4 L/m<sup>2</sup>.

(3) Where the total daily design *sanitary sewage* flow does not exceed 3 000 L, the effective area shall be such that the loading on the surface of the filter medium does not exceed 75 L/m<sup>2</sup> per day.

(4) Where the total daily design *sanitary sewage* flow exceeds 3 000 L,

- (a) the effective area shall be such that the loading on the surface of the filter medium does not exceed 50 L/m<sup>2</sup> per day, and
- (b) the *leaching bed* shall be comprised of more than one filter bed, each of similar size and adjacent to each other.

**8.7.5.3. Construction Requirements**

(1) Sentences 8.7.4.2.(1) to (7) and (9) apply to the construction of a filter bed.

(2) The lines of *distribution pipe* shall be evenly spaced over the surface of the filter medium to which the *sanitary sewage* is applied.

(3) The filter medium shall have a minimum depth of 750 mm below the stone layer and shall be clean sand comprised of particles ranging in size between the limits of

- (a) an effective size of .25 mm with a uniformity coefficient not less than 3.5,
- (b) an effective size of 2.5 mm with a uniformity coefficient not less than 1.5, and
- (c) having a uniformity coefficient not greater than 4.5.

(4) The filter medium shall be unsaturated for its entire depth.

(5) Where there is more than one filter bed in a *leaching bed*, the filter beds shall be separated by at least 5 m between the *distribution pipes* of the filter beds.

(6) The base of the filter medium shall extend to a thickness of at least 250 mm over an area meeting the requirements of the following:

$$A = \frac{QT}{850}$$

where:

- A = the area of contact in square metres between the base of the filter medium and the underlying soil.  
 Q = the total daily design *sanitary sewage flow* in litres  
 T = the *percolation time* of the underlying soil

### 8.7.6. Shallow Buried Trenches

#### 8.7.6.1. Limitation on Installation

(1) Except as provided in Sentence (2), a *shallow buried trench* shall not be installed.

(2) A *shallow buried trench* may be installed in the geographic areas of the Counties of Essex and Lambton and the Municipality of Chatham-Kent.

#### 8.7.6.2. Construction Requirements

(1) The *treatment unit* shall provide an *effluent* quality as required in Sentence 8.6.2.2.(2).

(2) The *effluent* shall be distributed through a *pressurized distribution system* having a pressure head of not less than 600 mm when measured to the most distant point from the pump.

(3) A *shallow buried trench* shall not be constructed unless the soil or *leaching bed fill* is sufficiently dry to resist the compaction and smearing during excavation.

(4) Every *chamber* shall be as wide as the *shallow buried trench* in which it is contained, and the cross-sectional height of the *chamber* at its centre point shall not be less than half the width of the trench.

(5) Every *chamber* shall contain only one *pressurized distribution pipe*.

### Section 8.8. Class 5 Sewage Systems

#### 8.8.1. Application

##### 8.8.1.1. Prohibited Installation

(1) Except as provided in Article 8.8.1.2., a Class 5 *sewage system* shall not be installed.

##### 8.8.1.2. Acceptable Installation

(1) A Class 5 *sewage system* may be installed in the following circumstances:

- (a) where the proposed use of the *sewage system* is for a temporary operation, excluding seasonal recreational use, not exceeding 12 months in duration,
- (b) to permit the extension of an existing single-family dwelling provided that
  - i) the extension will not increase the wastewater load, and
  - ii) the *building* is already served by a Class 5 *sewage system*,

(c) to remedy an unsafe *sewage system* where the remediation of the unsafe condition by the installation of a Class 4 *sewage system* is impracticable,

(d) to upgrade a *sewage system* on an existing lot or parcel of land, where upgrading through the use of a Class 4 *sewage system* is not possible due to lot size or clearance limitations, or

(e) as an interim measure for a lot or parcel of land until municipal sewers are available, provided that the municipality undertakes to ensure the continued operation of an approved *hauled sewage system* until the municipal sewers are available.

(2) Where a Class 5 *sewage system* is installed, a written agreement for the disposal of *sanitary sewage* from the *sewage system* shall be entered into with a *hauled sewage system* operator.

#### 8.8.2. General Requirements

##### 8.8.2.1. Construction Requirements

(1) All Class 5 *sewage systems* shall be equipped with a device that shall produce an audible and visual warning alarm so located to warn that the *sewage system* is nearing capacity.

(2) The device required in Sentence (1) shall be designed to provide suitable advance warning to the *building* occupants considering

- (a) the total daily design *sanitary sewage flow*,
- (b) the location of the Class 5 *sewage system*, and
- (c) the response time of the *hauled sewage system* contractor.

(3) Except as provided in Sentence (4) all *holding tanks* shall be provided with a vent that:

- (a) is not less than 3 inch trade size,
- (b) terminates at least
  - i) 300 mm above finished grade with a vent cap, or
  - ii) 600 mm above finished grade with a vent cap when the *holding tank* is located in an area subject to flooding, and
- (c) terminates at least 3.5 m away from any air inlet, window, or door.

(4) A vent from a *holding tank* may connect into the *venting system* of the *building* served by the *holding tank* provided that:

- (a) the vent is not less than 3 in. trade size, and
- (b) the installation of the vent shall conform to the requirements in Part 7.

##### 8.8.2.2. Sizing of Holding Tanks

(1) All *holding tanks* used in residential dwellings shall have a minimum 7 day holding capacity based on the total daily design *sanitary sewage flow*.

### Section 8.9. Operation and Maintenance

#### 8.9.1. General

##### 8.9.1.1. Scope

(1) This Section applies to the operation and maintenance of all *sewage systems*.

**8.9.1.2. General Requirements for Operation and Maintenance**

(1) Every *sewage system* shall be operated and maintained so that,

- (a) the *sewage system* or any part thereof shall not emit, discharge or deposit *sanitary sewage* or *effluent* onto the surface of the ground,
- (b) *sanitary sewage* or *effluent* shall not emit, discharge, seep, leak or otherwise escape from the *sewage system* or any part thereof other than from a place or part of the *sewage system* where the system is designed or intended to discharge the *sanitary sewage* or *effluent*, and

(c) except as provided in Sentence (2), *sanitary sewage* or *effluent* shall not emit, discharge, seep, leak or otherwise escape from the *sewage system* or any part thereof into a piped water supply, well water supply, a watercourse, *ground water* or *surface water*.

(2) Clause (1)(c) does not apply to the use of a *sewage system* designed and operated such that properly treated *effluent* is discharged into *soil*.

**8.9.2. Operation****8.9.2.1. Scope**

(1) The requirement of this Subsection are in addition to the requirements of Subsection 8.9.1.

**8.9.2.2. General**

- (1) Every *sewage system* shall be operated in accordance with,
- (a) the basis on which the *construction* and use of the *sewage system* was approved or required under this Act or predecessor legislation, as the case may be, and
- (b) the requirements of the manufacturer of the *sewage system*.

**8.9.2.3. Class 4 Sewage Systems**

(1) Every Class 4 *sewage system* shall be operated in accordance with the literature required in Sentence 8.6.2.2.(6).

(2) No person shall operate a *treatment unit* other than a *septic system* unless the person has entered into an agreement whereby servicing and maintenance of the *treatment unit* and its related components will be carried out by a person who:

- (a) possesses a copy of the literature required by Sentence 8.6.2.2.(6), and
- (b) is authorized by the manufacturer to service and maintain that type of *treatment unit*.

**8.9.2.4. Shallow Buried Trenches**

(1) Every person operating a *treatment unit* that is designed and constructed to produce *effluent* described in Column 3 of Table 8.6.2.2.A. shall, at the intervals described in Sentence (2),

- (a) take a grab sample of the *effluent* to determine whether it complies with the levels contained in Column 3 of Table 8.6.2.2.A. for BOD<sub>5</sub> and suspended solids,
- (b) carry out the sampling required by Clause (1)(a) in accordance with the methods described in the "Standard Methods for the Examination of Water and Wastewater", and

(c) promptly submit the results of the sampling required by Clause (1)(a) to the *chief building official*.

(2) The sampling required by Clause (1)(a) shall be conducted:

- (a) initially, once during the first 12 months after the *sewage system* was put into use, and
- (b) thereafter, once during every 12 month period, at least 10 months and not more than 18 months after the previous sampling has been completed.

**8.9.2.5. Class 5 Sewage Systems**

(1) Every Class 5 *sewage system* shall be operated in accordance with the agreement referred to in Sentence 8.8.1.2.(2).

(2) No Class 5 *sewage system* shall be operated once it is filled with *sanitary sewage* until such time as the *sanitary sewage* is removed from the *sewage system*.

**8.9.3. Maintenance****8.9.3.1. Scope**

(1) The requirement of this Subsection are in addition to the requirements of Subsection 8.9.1.

**8.9.3.2. General**

- (1) Every *sewage system* shall be maintained so that,
- (a) the *construction* of the *sewage system* remains in accordance with,
  - (i) the basis on which the *construction* and use of the *sewage system* was approved or required under this Act or predecessor legislation, as the case may be, and
  - (ii) the requirements of the manufacturer of the *sewage system*, and
- (b) all components of the *sewage system* function in their intended manner.

(2) The land in the vicinity of a *sewage system* shall be maintained in a condition that will not cause damage to, or impair the functioning of, the *sewage system*.

**8.9.3.3. Interceptors**

(1) Every grease *interceptor* referred to in Article 8.1.3.1. shall be maintained so that the grease retained is below the rated capacity of the *interceptor*.

**8.9.3.4. Class 4 Sewage Systems**

(1) *Septic tanks* and other *treatment units* shall be cleaned whenever sludge and scum occupy 1/3 of the *working capacity* of the tank.

**8.9.3.5. Shallow Buried Trenches**

(1) The pressure head at the furthest point from the pump in all *distribution pipes* shall be checked for compliance with Article 8.7.6.2. and the design specification at least every 36 months.

19. The Table of Contents to Part 9 of the Regulation is amended by striking out items 9.33.4. to 9.33.10 and the headings corresponding to these items.

20. Table 9.6.6.1. of the Regulation is amended by striking out "Maximum Glass Area, m" in the title of the first row of columns 2 to 7 and substituting "Maximum Glass Area, m<sup>2</sup>".

21. (1) Sentence 9.10.18.6.(1) of the Regulation is revoked and the following substituted:

(1) A manually operated device is permitted to be incorporated within the circuitry of a *smoke alarm* installed in a *dwelling unit* so that it will silence the signal emitted by the *smoke alarm* for a period of not more than 10 min, after which the *smoke alarm* will reset and again sound the alarm if the level of smoke in the vicinity is sufficient to reactuate the *smoke alarm*.

(2) Sentence 9.10.19.4.(1) of the Regulation is amended by striking out "Fire Marshals Act" and substituting "Fire Protection and Prevention Act, 1997".

(3) Sentence 9.10.20.8.(1) of the Regulation is amended by striking out "Fire Marshals Act" and substituting "Fire Protection and Prevention Act, 1997".

22. (1) Sentence 9.20.5.2.(2) of the Regulation is amended by striking out "Sentence (2)" and substituting "Sentence (3)".

(2) Table 9.20.5.2.A. of the Regulation is amended by striking out the heading "Notes to Table 9.20.5.2." and substituting "Notes to Table 9.20.5.2.A." and by striking out "9.20.5.2.(a)" in Note (1) and substituting "9.20.5.2.(4)".

23. Table 9.21.2.5.B. of the Regulation is amended by striking out "Flue diameter, mm" in the title in Row 3 of Columns 2-9 and substituting "Flue Size, mm".

24. (1) Sentence 9.22.1.4.(1) of the Regulation is amended by striking out "Except as permitted in Articles 9.22.1.5. and 9.22.1.6." at the beginning.

(2) Article 9.22.6.1. of the Regulation is amended by renumbering (a) as (1).

25. (1) Clause 9.23.9.4.(4)(b) of the Regulation is amended by striking out "38 m" and substituting "38 mm".

(2) Article 9.23.9.5. entitled "Header Joists" is renumbered as Article 9.23.9.6. and Articles 9.23.9.6. to 9.23.9.9. are renumbered as Articles 9.23.9.7. to 9.23.9.10. respectively.

(3) Clause 9.23.12.3.(2)(a) of the Regulation is amended by adding "or" at the end.

(4) Table 9.23.13.8. of the Regulation is amended by striking out "2.0 or less" in Row 5 of Column 5 and substituting "2.0 or more".

(5) Clause 9.23.14.5.(2)(d) of the Regulation is amended by adding "mm" after "12.7".

(6) Clause 9.23.14.5.(3)(d) of the Regulation is amended by adding "mm" after "12.7".

26. (1) Table 9.25.1.2 of the Regulation is amended by striking out "Sentence 2.2.1.1.(1)" in Note (1) and substituting "Sentence 2.5.1.1.(1)".

(2) Table 9.25.2.1. of the Regulation is amended by striking out "Forming Part of Sentence 9.25.2.2.(4)" immediately after the heading and substituting "Forming Part of Sentence 9.25.2.1.(4)".

(3) Sentence 9.25.2.1.(8) of the Regulation is amended by striking out "Table 9.25.2.1.A" in the first line and substituting "Table 9.25.2.1".

(4) Clause 9.25.2.1.(14)(a) of the Regulation is amended by striking out "Table 9.25.2.1.A." and substituting "Table 9.25.2.1".

(5) Sentence 9.30.6.4.(3) of the Regulation is revoked and the following substituted:

(3) Not less than one layer of galvanized diamond mesh wire lath shall be imbedded in the mortar bed.

27. Sentence 9.31.2.1.(1) of the Regulation is revoked and the following substituted:

(1) The construction of *plumbing systems* shall conform to Part 7.

28. Sentence 9.32.3.9.(3) of the Regulation is amended by striking out "less than" in the third line and substituting "greater than".

29. Subsection 9.33.2. of the Regulation is amended by adding the heading "9.33.2.1. Residential Heating Systems" immediately after the heading "9.33.2. Required Heating Systems".

30. Table 9.38.3.1. of the Regulation is amended by striking out "3.7" in Row 5 of Column 2 and substituting "3.45" and by striking out "2.4" in Row 6 of Column 2 and substituting "1.7".

31. (1) Sentence 9.41.1.1.(2) of the Regulation is revoked and the following substituted:

(2) For the purposes of this Section and Sentences 11.4.2.1.(1) and 11.4.2.5.(4), the changes of use set out in Clauses (1)(b) to (d) shall also be deemed to constitute a change in *major occupancy*.

(2) Sentences 9.41.2.2.(2) and (3) of the Regulation are revoked and the following substituted:

(2) For the purposes of Sentence (1), reduction of *performance level* shall be determined in accordance with Articles 11.4.2.1, 11.4.2.3. and 11.4.2.5.

(3) Where the proposed *construction* would reduce the *performance level* of an existing *building*, compensating *construction* shall be required in conformance with Articles 11.4.3.1., 11.4.3.2, 11.4.3.4 and 11.4.3.6.

32. Article 10.3.2.2. of the Regulation is amended by adding the following sentence:

(11) The *performance level* of a *building* or part of a *building* is reduced where, after a change of *major occupancy*,

(a) the total daily design *sanitary sewage flow* of the new *major occupancy*, calculated in accordance with Article 8.2.1.3., exceeds the capacity of any component of a *sewage system* serving the *building*, or

(b) the type or amount of *sanitary sewage* which will, under the new *major occupancy*, be discharged to a *sewage system* serving the *building* is prohibited by Article 8.1.3.1.

33. The definition of "*Building system*" in Sentence 11.1.1.2. (1) of the Regulation is amended by adding "*a sewage system*" after "*plumbing system*" in the last line.

34. (1) Sentence 11.4.2.2.(1) of the Regulation is revoked and the following substituted:

#### 11.4.2.2. Increase in Occupant Load

(1) Except as required in Sentences 11.4.2.5.(2) and (3), the *performance level* of an existing *building* is reduced where the proposed *construction* will increase the *occupant load* of an existing *building* by more than 15 per cent.

(2) Sentence 11.4.2.3.(1) of the Regulation is amended by adding "Except as required in Sentence 11.4.2.5.(4)," at the beginning.

(3) Sentence 11.4.2.3.(2) of the Regulation is revoked and the following substituted:

(2) For the purposes of this Article and Sentences 11.4.2.1.(1) and 11.4.2.5.(4), the changes of use set out in Clauses (1)(b) to (d) shall also be deemed to constitute a change in *major occupancy*.

(4) Subsection 11.4.2 of the Regulation is amended by adding the following Article:

11.4.2.5. Sewage Systems

(1) The *performance level* of an existing *building* is reduced where the existing *building* is extended or subject to material alteration or repair and a *sewage system* serving the existing *building* is adversely affected by the extension, alteration or repair of the existing *building*.

(2) Except as provided in Sentence (3), the *performance level* of an existing *building* is reduced where proposed *construction* will increase the *occupant load* of an existing *building*, and the new *occupant load* will result in the total daily design *sanitary sewage flow* of the *building*, calculated in accordance with Article 8.2.1.3., exceeding the capacity of any component of a *sewage system* serving the *building*.

(3) The *performance level* of an existing *dwelling unit* is reduced where *proposed construction* which,

- (a) increases the number of bedrooms in the *dwelling unit*,
- (b) exceeds 15 per cent of the *gross area* of the *dwelling unit*, or
- (c) adds new *plumbing fixtures* to the *dwelling unit*,

will result in the total daily design *sanitary sewage flow* of the *dwelling unit*, calculated in accordance with Article 8.2.1.3., exceeding the capacity of any component of a *sewage system* serving the *dwelling unit*.

(4) The *performance level* of an existing *building* is reduced where *proposed construction* will result in the change of a *major occupancy* of all or part of the existing *building* to another *major occupancy* and:

- (a) the total daily design *sanitary sewage flow* of the proposed *major occupancy*, calculated in accordance with Article 8.2.1.3., exceeds the capacity of any component of a *sewage system* serving the *building*, or
- (b) the type or amount of *sanitary sewage* which will, under the proposed *major occupancy*, be discharged to a *sewage system* serving the *building*, is prohibited by Article 8.1.3.1.

35. Subsection 11.4.3. of the Regulation is amended by adding the following Article:

11.4.3.6. Sewage Systems

(1) Where the *performance level* of an existing *building* is reduced under Article 11.4.2.5., upgrading of a *sewage system* which is adversely affected by the *construction*, increase in *occupant load*, increase in the total daily design *sanitary sewage flow* or change in amount or type of *sanitary sewage* shall be required in conformance with Part 8.

36. (1) Clause 11.5.1.1. (1) of the Regulation is amended by striking out "6 or 7" and substituting "6, 7 or 8".

(2) Clause 11.5.2.1. (1)(a) of the Regulation is amended by striking out "7 or 9" and substituting "7, 8 or 9".

(3) Table 11.5.1.1.A. of the Regulation is amended by adding the following:

NUMBER	PART 8 REQUIREMENTS	PART 11 COMPLIANCE ALTERNATIVE
A68	8.2.1.4.	Existing clearances acceptable where: a <i>sewage system</i> is replaced with another <i>sewage system</i> within the same class; and, the capacity of the replacement <i>sewage system</i> does not exceed the capacity of the existing <i>sewage system</i> .
A69	8.2.1.4.	Existing clearances are acceptable where a replacement <i>sewage system</i> requires lesser clearances than those required in Part 8 for the existing <i>sewage system</i> .
Col. 1	2	3

(4) Table 11.5.1.1.B. of the Regulation is amended by adding the following:

NUMBER	PART 8 REQUIREMENTS	PART 11 COMPLIANCE ALTERNATIVE
B70	8.2.1.4.	Existing clearances acceptable where: a <i>sewage system</i> is replaced with another <i>sewage system</i> within the same class; and, the capacity of the replacement <i>sewage system</i> does not exceed the capacity of the existing <i>sewage system</i> .
B71	8.2.1.4.	Existing clearances are acceptable where a replacement <i>sewage system</i> requires lesser clearances than those required in Part 8 for the existing <i>sewage system</i> .
Col. 1	2	3

(5) Table 11.5.1.1.C. of the Regulation is amended by adding the following:

NUMBER	PART 8 REQUIREMENTS	PART 11 COMPLIANCE ALTERNATIVE
C84.1	8.2.1.4.	Existing clearances acceptable where: a <i>sewage system</i> is replaced with another <i>sewage system</i> within the same class; and, the capacity of the replacement <i>sewage system</i> does not exceed the capacity of the existing <i>sewage system</i> .
C84.2	8.2.1.4.	Existing clearances are acceptable where a replacement <i>sewage system</i> requires lesser clearances than those required in Part 8 for the existing <i>sewage system</i> .
Col. 1	2	3

(6) Table 11.5.1.1.D/E. of the Regulation is amended by adding the following:

NUMBER	PART 8 REQUIREMENTS	PART 11 COMPLIANCE ALTERNATIVE
DE74.1	8.2.1.4.	Existing clearances acceptable where: a <i>sewage system</i> is replaced with another <i>sewage system</i> within the same class; and, the capacity of the replacement <i>sewage system</i> does not exceed the capacity of the existing <i>sewage system</i> .
DE74.2	8.2.1.4.	Existing clearances are acceptable where a replacement <i>sewage system</i> requires lesser clearances than those required in Part 8 for the existing <i>sewage system</i> .
Col. 1	2	3

(7) Table 11.5.1.1.F of the Regulation is amended by adding the following:

NUMBER	PART 8 REQUIREMENTS	PART 11 COMPLIANCE ALTERNATIVE
F77.1	8.2.1.4.	Existing clearances acceptable where: a <i>sewage system</i> is replaced with another <i>sewage system</i> within the same class; and, the capacity of the replacement <i>sewage system</i> does not exceed the capacity of the existing <i>sewage system</i> .
F77.2	8.2.1.4.	Existing clearances are acceptable where a replacement <i>sewage system</i> requires lesser clearances than those required in Part 8 for the existing <i>sewage system</i> .
Col. 1	2	3

37. (1) Sentence 12.1.1.1.(1) of the Regulation is amended by striking out "the 16th day of March" in clause (a) and in clause (b) and substituting "April 6" in each case and by striking out "the 15th day of June" in clause (b) and substituting "July 6".

(2) Section 12.1 is amended by adding the following subsection:

#### 12.1.2. Sewage Systems, transition rules

##### 12.1.2.1. Construction of sewage systems

(1) Sections 74 to 79, 81, 82.1, 83 and 176 (6) of the *Environmental Protection Act*, as they read on April 5, 1998, continue to apply in respect of construction of a *sewage system*,

- (a) for which a certificate of approval was issued under section 77 of the *Environmental Protection Act* before April 6, 1998, and
- (b) for which a permit under section 78 of the *Environmental Protection Act* was not issued before April 6, 1998,

provided the construction of the *sewage system* has commenced by October 5, 1998.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and a certificate of approval for a *sewage system* referred to in clause (1)(a) was issued by the party administering Part VIII of the *Environmental Protection Act* under the agreement, the agreement shall continue in force, and shall not be terminated, until such time as a permit under section 78 of the *Environmental Protection Act* is issued in respect of the *sewage system*.

#### 12.1.2.2. Orders

(1) Where an order issued under section 79 of the *Environmental Protection Act* has not been complied with before April 6, 1998, sections 74 to 79, 81, 82.1, 83 and 176(6) of the *Environmental Protection Act* as they read on April 5, 1998, continue to apply to the *sewage system* until the order has been complied with.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and an order referred to in Sentence (1) was issued by the party administering Part VIII of the *Environmental Protection Act* under the agreement, the agreement shall continue in force according to its terms, and shall not be terminated, until such time as the order referred to in Sentence (1) has been complied with.

#### 12.1.2.3. Appeals

(1) Where an appeal has been made under section 139 of the *Environmental Protection Act* to the Environmental Appeal Board before April 6, 1998 in respect of a decision of a director made under Part VIII of that Act, that Act, as it read on April 5, 1998, continues to apply in respect of all proceedings related to the appeal.

(2) Where an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and the party administering Part VIII of the *Environmental Protection Act* under the agreement is a party to an appeal referred to in sentence (1), the agreement shall continue in force according to its terms, and shall not be terminated, until such time as the appeal referred to in Sentence (1) has been determined.

#### 12.1.2.4. Records

(1) In this Article,

*enforcement entity* means the municipality, county, board of health, conservation authority or Ontario, as the case may be, that has responsibility under sections 3 or 3.1 of the Act or, where an agreement under sections 3, 5 or 32.1 of the Act is in place under such agreement, for the enforcement of the provisions of the Act or this Code related to *sewage systems*.

(2) The Ministry of the Environment or, if an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998, the party that was administering Part VIII of the *Environmental Protection Act* under the agreement, shall,

- (a) keep all records in their possession or under their control with respect to *sewage systems* for a period of six years or as otherwise directed by the director;
- (b) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity* a certified copy of a record relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request;
- (c) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity* a certificate as to the service of any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request;



(d) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity*, a certificate as to the custody of any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request; and

(e) on the written request of the *chief building official* of the *enforcement entity*, deliver to the *enforcement entity*, a certificate as to whether or not any document relating to Part VIII of the *Environmental Protection Act* with respect to *sewage systems* as specified in the request was received or issued.

(3) Section 37 of the Act applies to,

(a) a direction or order or a certified copy of a direction or order delivered under Clause (2)(b) or (c) that is or relates to a direction or order under Part VIII of the *Environmental Protection Act*; and

(b) a statement as to any matter of record in the office of an *enforcement entity* concerning the enforcement of Part VIII of the *Environmental Protection Act* that was delivered to the *enforcement entity* under clauses 2(b) or (c), or a certificate that was delivered to the *enforcement entity* under clauses (2)(d) or (e).

(4) If an agreement under clause 4(1)(j) or section 81 of the *Environmental Protection Act* was in force on April 5, 1998 and the party that was administering Part VIII of the *Environmental Protection Act* under the agreement is an *enforcement entity*, then directions, orders or statements as to any matter of record in the office of the *enforcement entity* relating to the enforcement of Part VIII of the *Environmental Protection Act* with respect to *sewage systems* shall be deemed to have been made under this Act for the purposes of section 37 of the Act.

38. Sentence 12.3.1.1.(1) of the Regulation is amended by striking out "March 16" and substituting "April 6".

## ONTARIO REGULATION 23/98 made under the LOCAL ROADS BOARDS ACT

Made: January 23, 1998

Filed: January 27, 1998

Amending Reg. 734 of R.R.O. 1990  
(Establishment of Local Roads Areas—  
Northern and Eastern Regions)

Note: Since January 1, 1997, Regulation 734 has been amended by 540/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Regulation 734 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedule:

### Schedule 116

#### ANIMA-NIPISSING LOCAL ROADS AREA

All those portions of the townships of Gillies Limit, Brigstocke and Coleman in the Territorial District of Timiskaming and all that portion of the Township of Banting in the Territorial District of Nipissing shown outlined on Ministry of Transportation Plan N-392A-2, filed with the Administrative Services Office of the Ministry of Transportation at Toronto on the 16th day of April, 1991.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 23, 1998.



100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—02—21

## ONTARIO REGULATION 24/98 made under the PLANNING ACT

Made: January 30, 1998

Filed: February 2, 1998

## Schedule 2

Caledon

21-T-24231

21-T-82037

### DELEGATION OF AUTHORITY OF MINISTER TO THE REGIONAL MUNICIPALITY OF PEEL

AL LEACH

*Minister of Municipal Affairs and Housing*

1. The authority of the Minister under the Act to approve those official plans and amendments to the official plans for the local municipalities of The Regional Municipality of Peel set out in Schedule 1 is delegated to the council of The Regional Municipality of Peel.

Dated on January 30, 1998.

8/98

2. The authority of the Minister under the Act to approve those plans of subdivisions for the local municipalities of The Regional Municipality of Peel that are set out in Schedule 2 is delegated to the council of The Regional Municipality of Peel.

## ONTARIO REGULATION 25/98 made under the PLANNING ACT

Made: February 2, 1998

Filed: February 2, 1998

3. (1) If any authority delegated under section 2 is in turn delegated to a committee of the council or to an appointed officer under subsection 5 (1) of the Act, the council shall forward to the Minister a certified copy of the delegating by-law within 15 days of its passing.

### DELEGATION OF AUTHORITY—PINE RIDGE MUNICIPAL PLANNING AGENCY

(2) The delegations of authority set out in this Regulation are not terminated by reason only that the condition set out in subsection (1) is not complied with.

1. (1) The authority of the Minister under the following provisions is delegated to the Pine Ridge Municipal Planning Agency with respect to all applications made on or after February 2, 1998:

1. Section 51 of the Act, to approve a plan of subdivision.
2. Section 50 of the *Condominium Act*, to approve or exempt condominium descriptions.
3. Subsection 305 (2) of the *Municipal Act*.
4. Subsection 88 (3) of the *Registry Act*.
5. Section 146 of the *Land Titles Act*.

(2) The authority of the Minister under subsection 297 (10) of the *Municipal Act* is delegated to the Pine Ridge Municipal Planning Agency with respect to all by-laws passed on or after February 2, 1998 for land in the municipalities listed in Schedule 1.

2. The authority of the Minister under the Act to approve plans of subdivision and under section 50 of the *Condominium Act* to approve or exempt a condominium description is delegated to the Pine Ridge Municipal Planning Agency with respect to applications made before February 2, 1998 whose file numbers are set out in Schedule 2.

3. (1) If any authority delegated under section 1 or 2 is further delegated to a committee of the Pine Ridge Municipal Planning Agency or to an appointed officer under subsection 5 (1) of the Act, the Pine Ridge Municipal Planning Agency shall forward to the Minister a certified copy of the delegation within 15 days of its passing.

(2) A further delegation of authority is not terminated by reason only that the condition set out in subsection (1) is not complied with.

4. This Regulation comes into force on February 2, 1998.

## Schedule 1

### Brampton

21-OP-0031-252	21-OP-0032
21-OP-0031-202	21-OP-0032-044

### Mississauga

21-OP-0030-045	21-OP-0030-024
21-OP-0030-047	21-OP-0030-025
21-OP-0030-084	21-OP-0030-048
21-OP-0030-086	21-OP-0030-163
21-OP-0030-005	21-OP-0030-052
21-OP-0030-001	21-OP-0030-068
21-OP-0030-103	21-OP-0030-002
21-OP-0030-220	21-OP-0039-300
21-OP-0030-169	21-OP-0030-049
21-OP-0030-027	21-OP-0030-212

### Caledon

21-OP-0019-115

**Schedule 1**

Township of Alnwick	Township of Haldimand
Village of Colborne	Township of Hamilton
Township of Cramahe	Township of Hope

**Schedule 2**

1. Township of Alnwick	
14 T 89004	14 T 95007
14 T 93005	
2. Village of Colborne	
14 T 90002	
3. Township of Cramahe	
14 T 80030	14 T 93002
14 T 91021	
4. Township of Haldimand	
14 T 91004	
5. Township of Hamilton	
14 T 86005	14 T 89022
14 T 87005	14 T 91010
14 T 88011	14 T 91011
14 T 88014	14 T 91013
14 T 89010	14 T 91018
6. Township of Hope	
14 T 89001	14 T 92003
14 T 91012	

AL LEACH

*Minister of Municipal Affairs and Housing*

Dated on February 2, 1998.

8/98

**ONTARIO REGULATION 26/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 24, 1998  
Filed: February 3, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97 and 434/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Paragraph 9 of Part 3 of Schedule 5 to Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

Grey—Twps. of Sullivan and Holland  
Hamlet of Williamsford

9. That part of the King's Highway known as No. 6 in the townships of Sullivan and Holland in the County of Grey lying between

a point situate 120 metres measured northerly from its intersection with the centre line of Grey Road 25 and a point situate 100 metres measured southerly from its intersection with the centre line of the roadway known as McCullough Lake Road in the Hamlet of Williamsford.

(2) Paragraph 4 of Part 5 of Schedule 5 to the Regulation is revoked and the following substituted:

Grey—Twps. of Sullivan and Holland  
Hamlet of Williamsford

4. That part of the King's Highway known as No. 6 in the Hamlet of Williamsford in the townships of Sullivan and Holland in the County of Grey lying between a point situate 100 metres measured southerly from its intersection with the centre line of the roadway known as McCullough Lake Road and a point situate 60 metres measured northerly from its intersection with the roadway known as Orr Street.

2. Paragraph 14 of Part 5 of Schedule 6 to the Regulation is revoked.

3. (1) Paragraph 9 of Part 3 of Schedule 12 to the Regulation is revoked.

(2) Paragraphs 1 and 9 of Part 5 of Schedule 12 to the Regulation are revoked.

4. (1) Paragraph 8 of Part 3 of Schedule 91 to the Regulation is revoked and the following substituted:

Wellington—Town of Harriston  
Grey—Twp. of Normanby

8. That part of the King's Highway known as No. 89 lying between a point situate 732 metres measured easterly from its intersection with the centre line of the roadway known as Lawrence Street in the Town of Harriston in the County of Wellington and a point situate at its intersection with the centre line of the roadway known as Sligo Road in the Township of Normanby in the County of Grey.

(2) Paragraph 1 of Part 4 of Schedule 91 to the Regulation is revoked and the following substituted:

Wellington—Twp. of Minto  
Town of Harriston

1. That part of the King's Highway known as No. 89 in the Township of Minto in the County of Wellington commencing at a point situate 284 metres measured easterly from its intersection with the centre line of the roadway known as Lawrence Street in the Town of Harriston and extending easterly for a distance of 348 metres.

5. (1) Paragraphs 1 and 2 of Part 3 of Schedule 117 to the Regulation are revoked.

(2) Paragraphs 1 and 2 of Part 6 of Schedule 117 to the Regulation are revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 27/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 29, 1998  
Filed: February 3, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97 and 26/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Paragraphs 21 and 26 of Part 3 of Schedule 6 of Regulation 619 of the Revised Regulations of Ontario, 1990 are revoked.**

**(2) Paragraph 27 of Part 3 of Schedule 6 to the Regulation is revoked and the following substituted:**

Regional Municipality of York—  
Towns of Richmond Hill and Markham

27. That part of the King's Highway known as No. 7 in The Regional Municipality of York lying between a point situate 458 metres measured westerly from its intersection with the centre line of the King's Highway known as No. 404 and a point situate 30 metres measured westerly from the westerly limits of the roadway known as Sciberras Road in the Town of Markham.

**(3) Paragraph 6 of Part 5 of Schedule 6 to the Regulation is revoked.**

**2. (1) Paragraph 22 of Part 2 of Schedule 13 to the Regulation is revoked and the following substituted:**

District of Thunder Bay—City of Thunder Bay  
Twp. of Oliver

22. That part of the King's Highway known as No. 11 and 17 in the City of Thunder Bay in the Territorial District of Thunder Bay lying between a point situate 250 metres measured westerly from its intersection with the westerly limit of the roadway known as 20th Sideroad and a point situate 30 metres measured easterly from its intersection with the roadway known as Oliver Road in the Township of Oliver.

**(2) Paragraph 7 of Part 3 of Schedule 13 to the Regulation is revoked and the following substituted:**

District of Thunder Bay—City of Thunder Bay

7. That part of the King's Highway known as No. 11 and 17 in the City of Thunder Bay in the Territorial District of Thunder Bay lying between a point situate 500 metres measured westerly from its intersection with the westerly limit of the roadway known as Morgan Avenue and a point situate 250 metres measured westerly from its intersection with the westerly limit of the roadway known as 20th Sideroad.

**(3) Paragraph 12 of Part 5 of Schedule 13 to the Regulation is revoked and the following substituted:**

Regional Municipality of York—  
Towns of Vaughan, Markham and Richmond Hill

12. That part of the roadway known as Yonge Street in The Regional Municipality of York lying between a point situate 505 metres measured southerly from its intersection with the northerly limit of the roadway known as York Regional Road No. 7 Highway No. 7 in the Town of Vaughan and the Town of Markham and a point situate 180 metres measured southerly from its intersection with the northerly limit of the roadway known as York Regional Road No. 25 in the Town of Richmond Hill.

**(4) Paragraph 1 of Part 6 of Schedule 13 to the Regulation is revoked and the following substituted:**

Regional Municipality of York—  
Towns of Vaughan and Markham

1. That part of the roadway known as Yonge Street in the Town of Vaughan and the Town of Markham in The Regional Municipality of York lying between a point situate at its intersection with the northerly limit of the roadway known as Steeles Avenue and a point situate 505 metres measured southerly from its intersection with the northerly limit of the roadway known as York Regional Road No. 7 Highway No. 7.

**3. (1) Paragraph 1 of Part 2 of Schedule 19 to the Regulation is revoked and the following substituted:**

Leeds and Grenville—Twp. of Edwardsburgh  
Regional Municipality of Ottawa-Carleton—Twp. of Rideau

1. That part of the King's Highway known as No. 16 lying between a point situate 675 metres measured northerly from its most southerly intersection with the roadway known as Leeds and Grenville Road 44 in the Township of Edwardsburgh in the United Counties of Leeds and Grenville and a point situate 1200 metres measured southerly from its intersection with the roadway known as Regional Municipality of Ottawa-Carleton Road 6 (Roger Stevens Drive) in the Township of Rideau in The Regional Municipality of Ottawa-Carleton.

**(2) Paragraph 30 of Part 2 of Schedule 21 to the Regulation is revoked and the following substituted:**

District of Thunder Bay—City of Thunder Bay  
Twp. of Oliver

30. That part of the King's Highway known as No. 11 and 17 in the City of Thunder Bay in the Territorial District of Thunder Bay lying between a point situate 250 metres measured westerly from its intersection with the westerly limit of the roadway known as 20th Sideroad and a point situate 30 metres measured easterly from its intersection with the roadway known as Oliver Road in the Township of Oliver.

**(3) Paragraph 5 of Part 3 of Schedule 21 to the Regulation is revoked and the following substituted:**

District of Thunder Bay—City of Thunder Bay

5. That part of the King's Highway known as No. 11 and 17 in the City of Thunder Bay in the Territorial District of Thunder Bay lying between a point situate 500 metres measured westerly from its intersection with the westerly limit of the roadway known as Morgan Avenue and a point situate 250 metres measured westerly from its intersection with the westerly limit of the roadway known as 20th Sideroad.

**4. Paragraph 1 of Part 1 of Schedule 260 to the Regulation is revoked and the following substituted:**

Regional Municipality of Ottawa-Carleton—  
Leeds and Grenville—Twp. of Oxford-on-Rideau  
City of Nepean

1. That part of the King's Highway known as No. 416 in The Regional Municipality of Ottawa-Carleton and the United Counties of Leeds and Grenville lying between a point situate 3.1 kilometres measured southerly from its intersection with the roadway known as Leeds and Grenville Road 44 (Kemptville Road) in the Township of Oxford-on-Rideau and a point situate at its intersection with the roadway known as King's Highway No. 417 in the City of Nepean.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 28/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 30, 1998  
Filed: February 3, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97, 26/98 and 27/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Paragraph 1 of Part 3 of Schedule 29 of Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Paragraphs 4 and 6 of Part 6 of Schedule 29 to the Regulation are revoked.

2. (1) Paragraphs 5 and 6 of Part 3 of Schedule 33 to the Regulation are revoked.

(2) Paragraph 5 of Part 4 of Schedule 33 to the Regulation is revoked.

(3) Paragraphs 3 and 4 of Part 5 of Schedule 33 to the Regulation are revoked.

(4) Paragraph 1 of Part 6 of Schedule 33 to the Regulation is revoked.

3. (1) Paragraph 1 of Part 3 of Schedule 52 to the Regulation is revoked.

(2) Paragraph 1 of Part 5 of Schedule 52 to the Regulation is revoked.

(3) Paragraph 1 of Part 6 of Schedule 52 to the Regulation is revoked.

4. (1) Paragraphs 1, 2 and 3 of Part 3 of Schedule 56 to the Regulation are revoked.

(2) Paragraphs 1 and 2 of Part 4 of Schedule 56 to the Regulation are revoked.

(3) Paragraphs 1 and 2 of Part 6 of Schedule 56 to the Regulation are revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 30, 1998.

8/98

**ONTARIO REGULATION 29/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 29, 1998  
Filed: February 3, 1998

Amending Reg. 623 of R.R.O. 1990  
(Stop Signs at Intersections)

Note: Since January 1, 1997 Regulation 623 has not been amended. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Schedules 12 and 15 to Regulation 623 of the Revised Regulations of Ontario, 1990 are revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 30/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: January 29, 1998  
Filed: February 3, 1998

Amending Reg. 604 of R.R.O. 1990  
(Parking)

Note: Since January 1, 1997, Regulation 628 has been amended by Ontario Regulations 139/97, 193/97 and 339/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Schedule 6 of Appendix A to Regulation 604 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:

34. That part of the King's Highway known as No. 11 and 17 in the Township of Nipigon in the Territorial District of Thunder Bay beginning at a point situate 200 metres measured easterly from its intersection with the roadway known as First Street and extending westerly to a point situate 135 metres measured westerly from its intersection with the roadway known as Maata's Road.

2. Schedule 7 of Appendix A to the Regulation is revoked.

3. Paragraph 7 of Schedule 9 of Appendix A to the Regulation is revoked.

4. Schedule 12 of Appendix A to the Regulation is revoked.

5. Schedule 13 of Appendix A to the Regulation is amended by adding the following paragraph:

30. That part of the King's Highway known as No. 11 and 17 in the Township of Nipigon in the Territorial District of Thunder Bay

beginning at a point situate 200 metres measured easterly from its intersection with the roadway known as First Street and extending westerly to a point situate 135 metres measured westerly from its intersection with the roadway known as Maata's Road.

6. Paragraphs 3, 13, 14 and 15 of Schedule 16 of Appendix A to the Regulation are revoked.

7. Schedule 55 of Appendix A to the Regulation is revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 32/98**  
made under the  
**MUNICIPAL ACT**

Made: January 29, 1998  
Filed: February 5, 1998

Amending O. Reg. 26/96  
(Fees and Charges By-laws)

Note: Since January 1, 1997, Ontario Regulation 26/96 has been amended by Ontario Regulation 352/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Ontario Regulation 26/96 is amended by adding the following sections:

9. A board of management established by a municipality for an improvement area under section 220 of the Act is a local board for the purpose of section 220.1 of the Act.

10. A board of management described in section 9 may only impose fees or charges under section 220.1 of the Act on the following classes of persons:

1. Owners of rateable property in the improvement area for which the board of management was established, if the property is in a prescribed business property class for the purposes of section 220 of the Act.
2. Tenants of owners described in paragraph 1, if the property leased by the tenant from the owner is in a prescribed business property class for the purposes of section 220 of the Act in the improvement area for which the board of management was established.

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 31/98**  
made under the  
**PLANNING ACT**

Made: January 29, 1998  
Filed: February 3, 1998

Revoking O. Reg. 137/93  
(Withdrawal of Delegation of Authority of Minister)

1. Ontario Regulation 137/93 is revoked.

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on January 29, 1998.

8/98

**RÈGLEMENT DE L'ONTARIO 32/98**  
pris en application de la  
**LOI SUR LES MUNICIPALITÉS**

pris le 29 janvier 1998  
déposé le 5 février 1998

modifiant le Règl. de l'Ont. 26/96  
(Règlements municipaux relatifs aux droits et frais)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement de l'Ontario 26/96 a été modifié par le Règlement de l'Ontario 352/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le Règlement de l'Ontario 26/96 est modifié par adjonction des articles suivants :

9. Le conseil de gestion constitué par une municipalité pour un secteur d'aménagement en vertu de l'article 220 de la Loi est un conseil local pour l'application de l'article 220.1 de la Loi.

10. Le conseil de gestion visé à l'article 9 ne peut imposer des droits ou des frais en vertu de l'article 220.1 de la Loi qu'aux catégories de personnes suivantes :

1. Les propriétaires de biens imposables situés dans le secteur d'aménagement pour lequel le conseil de gestion a été constitué, si les biens appartiennent à une catégorie prescrite de biens commerciaux pour l'application de l'article 220 de la Loi.
2. Les locataires des propriétaires visés à la disposition 1, si les biens qui leur sont donnés à bail par les propriétaires appartiennent à une catégorie prescrite de biens commerciaux pour l'application de l'article 220 de la Loi et sont situés dans le secteur d'aménagement pour lequel le conseil de gestion a été constitué.

AL LEACH  
*Ministre des Affaires municipales et du Logement*

Fait le 29 janvier 1998.

**ONTARIO REGULATION 33/98**made under the  
**MUNICIPAL ACT**

Made: January 29, 1998

Filed: February 5, 1998

**PRESCRIBED TAX—INTERNATIONAL BRIDGES**

1. The prescribed amount for a taxation year for the purposes of subsection 373.1 (2) of the Act is 0.5 times the assessment made under the *Assessment Act* in the year for the land used for the purposes of the bridge or tunnel.

2. Despite section 1, the maximum prescribed amount payable under that section with respect to a bridge or tunnel in a taxation year is \$40,000.

3. The following bridges are prescribed for the purposes of subsection 373.1 (3) of the Act:

1. The Ambassador bridge having an Ontario portion located in the City of Windsor.
2. The Fort Frances—International Falls bridge having an Ontario portion located in the Town of Fort Frances.

4. For the purposes of paragraph 1 of subsection 373.1 (3) of the Act, the American municipal and school taxes in a year shall be converted to Canadian dollars as follows:

$$\text{Canadian dollar equivalent of American municipal and school taxes} = \frac{\text{American municipal and school taxes (x) Noon monthly exchange rates}}{6}$$

Where,

“Noon monthly exchange rates” means the aggregate of the noon monthly exchange rates for the months from January to June in a year published under Schedule II in the Bank of Canada review first issued after June in that year.

AL LEACH

*Minister of Municipal Affairs and Housing*

Dated on January 29, 1998.

8/98

**ONTARIO REGULATION 34/98**made under the  
**MUNICIPAL ACT**

Made: February 6, 1998

Filed: February 6, 1998

Amending O. Reg. 26/96  
(Fees and Charges By-laws)

Note: Since January 1, 1997, Ontario Regulation 26/96 has been amended by Ontario Regulations 352/97 and 32/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Ontario Regulation 26/96 is amended by adding the following section:

**RÈGLEMENT DE L'ONTARIO 34/98**pris en application de la  
**LOI SUR LES MUNICIPALITÉS**pris le 6 février 1998  
déposé le 6 février 1998modifiant le Règl. de l'Ont. 26/96  
(Règlements municipaux relatifs aux droits et frais)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement de l'Ontario 26/96 a été modifié par les Règlements de l'Ontario 352/97 et 32/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le Règlement de l'Ontario 26/96 est modifié par adjonction de l'article suivant :



11. (1) A municipality and a local board do not have the power under section 220.1 of the Act to impose a fee or charge on a person who owns or operates a telecommunications business carrying on business in Ontario for services or activities, costs or the use of property with respect to wires, cables, poles, conduits, equipment, machinery or other works which,

- (a) are or will be located on a municipal highway; and
- (b) are or will be used as part of the telecommunications business.

(2) Nothing under subsection (1) prevents the imposition of fees or charges to recover the reasonable costs of the municipality or local board for issuing permits with respect to the works described in subsection (1),

- (a) to place the works on a municipal highway; and
  - (b) to cut the pavement of or otherwise dig up a municipal highway for the works.
- (3) For the purpose of this Regulation,

"telecommunications" has the same meaning as in subsection 2 (1) of the *Telecommunications Act* (Canada).

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on February 6, 1998.

8/98

### ONTARIO REGULATION 35/98 made under the MUNICIPAL ACT

Made: February 6, 1998  
Filed: February 6, 1998

### EXTENSION OF TIME LIMITS

1. The last date before which an upper-tier municipality may pass a by-law to delegate the authority under subsection 364 (1) of the Act to establish tax ratios in 1998 is extended to March 15, 1998.

2. The last date before which a lower-tier municipality may consent to a by-law to delegate the authority under subsection 364 (3) of the Act to establish tax ratios in 1998 is extended to March 15, 1998.

3. The last date before which the Minister may make a regulation to designate an upper-tier municipality in 1998 for the purpose of subsection 364 (4) of the Act is extended to May 1, 1998.

11. (1) L'article 220.1 de la Loi ne confère pas à une municipalité ni à un conseil local le pouvoir d'imposer au propriétaire ou à l'exploitant d'une entreprise de télécommunication qui exerce des activités en Ontario des droits ou des frais au titre des services, activités, coûts ou utilisation de biens qui ont trait aux fils, aux câbles, aux poteaux, aux conduits, à l'équipement, à la machinerie ou aux autres ouvrages qui :

- a) d'une part, sont ou seront situés sur une voie publique municipale;
- b) d'autre part, sont ou seront utilisés aux fins de l'entreprise de télécommunication.

(2) Le paragraphe (1) n'a pas pour effet d'empêcher l'imposition de droits ou de frais pour recouvrer les coûts raisonnables engagés par la municipalité ou le conseil local pour la délivrance de permis à l'égard des ouvrages visés au paragraphe (1) autorisant de faire ce qui suit :

- a) placer les ouvrages sur une voie publique municipale;
- b) excaver une voie publique municipale, notamment en en découpant la chaussée, aux fins des ouvrages.

(3) La définition qui suit s'applique au présent règlement.

«télécommunication» S'entend au sens du paragraphe 2 (1) de la *Loi sur les télécommunications* (Canada).

AL LEACH  
*Ministre des Affaires municipales et du Logement*

Fait le 6 février 1998.

4. The last date on or after which an upper-tier municipality may not amend or repeal a by-law to delegate the authority under subsection 364 (5) of the Act to establish tax ratios in 1998 is extended to March 15, 1998.

5. The last date for a lower-tier municipality to establish tax ratios in 1998 under subsection 364 (7) of the Act is extended to May 31, 1998.

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on February 6, 1998.

8/98



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—02—28

**ONTARIO REGULATION 36/98**

made under the

**PUBLIC SECTOR LABOUR RELATIONS  
TRANSITION ACT, 1997**

Made: February 11, 1998

Filed: February 12, 1998

Amending Reg. O. Reg. 457/97  
(Construction Work)**RÈGLEMENT DE L'ONTARIO 36/98**

pris en application de la

**LOI DE 1997 SUR LES RELATIONS DE TRAVAIL LIÉES  
À LA TRANSITION DANS LE SECTEUR PUBLIC**

pris le 11 février 1998

déposé le 12 février 1998

modifiant le Règl. de l'Ont. 457/97  
(Travaux de construction)

Note: Ontario Regulation 457/97 has not previously been amended.

Remarque: Le Règlement de l'Ontario 457/97 n'a pas été modifié antérieurement.

1. Ontario Regulation 457/97 is amended by adding the following French version:

1. Le Règlement de l'Ontario 457/97 est modifié par adjonction de la version française suivante :

**TRAVAUX DE CONSTRUCTION**

1. (1) Si un employeur précédent était une municipalité ou un conseil scolaire et qu'un syndicat de la construction avait le droit de négocier à l'égard d'une unité de négociation de cet employeur qui comprenait ou aurait compris des employés qui effectuaient des travaux de construction, les règles suivantes s'appliquent :

(2) Pour l'application du présent article, deux employeurs précédents ou plus sont réputés être un seul employeur précédent si chacun d'eux avait une unité de négociation qui comprenait des employés qui effectuaient des travaux de construction et que, selon le cas :

1. La description de l'unité de négociation de l'employeur qui succède visée au paragraphe 14 (1) de la Loi ne doit pas comprendre, ou ne doit pas être modifiée en vertu de l'article 22 de la Loi de manière à comprendre, des employés qui effectuent des travaux de construction à l'extérieur du territoire de l'employeur précédent, à moins que l'employeur qui succède y consente.

a) le même syndicat de la construction avait le droit de négocier à l'égard de chacune des unités de négociation;

2. Malgré les articles 15 et 24 de la Loi, une convention collective qui liait l'employeur précédent immédiatement avant la date du changement ne lie pas l'employeur qui succède à l'égard des travaux de construction effectués à l'extérieur du territoire de l'employeur précédent, à moins que l'employeur qui succède y consente.

b) des syndicats de la construction qui sont des agents négociateurs affiliés subordonnés ou directement apparentés au même syndicat provincial, national ou international avaient le droit de négocier à l'égard des unités de négociation.

2. Les articles 31 et 32 de la Loi ne s'appliquent pas à l'égard d'une convention provinciale au sens de l'article 151 de la *Loi de 1995 sur les relations de travail*.

9/98

**ONTARIO REGULATION 37/98**

made under the

**PUBLIC SECTOR LABOUR RELATIONS  
TRANSITION ACT, 1997**

Made: February 11, 1998

Filed: February 12, 1998

Amending O. Reg. 458/97  
(Application of the Act)**RÈGLEMENT DE L'ONTARIO 37/98**

pris en application de la

**LOI DE 1997 SUR LES RELATIONS DE TRAVAIL LIÉES  
À LA TRANSITION DANS LE SECTEUR PUBLIC**

pris le 11 février 1998

déposé le 12 février 1998

modifiant le Règl. de l'Ont. 458/97  
(Application de la Loi)

Note: Ontario Regulation 458/97 has not previously been amended.

Remarque: Le Règlement de l'Ontario 458/97 n'a pas été modifié antérieurement.

1. Ontario Regulation 458/97 is amended by adding the following French version:

1. Le Règlement de l'Ontario 458/97 est modifié par adjonction de la version française suivante :

## APPLICATION DE LA LOI

1. (1) La Loi s'applique dès que se produit l'un ou l'autre des événements suivants :

1. La dissolution de la commission des services publics de la ville de Thornbury et la prise en charge par la ville de Thornbury-Collingwood des pouvoirs de la commission dissoute.
2. La dissolution de la commission des services publics du village de Watford et la prise en charge par le canton de Warwick des pouvoirs de la commission dissoute.
3. La dissolution des commissions des services publics de la ville d'Amherstburg et du canton de Malden et la prise en charge par la commission hydroélectrique de la ville d'Amherstburg des pouvoirs des commissions dissoutes ayant trait à la distribution d'énergie électrique et à l'approvisionnement en celle-ci.
4. La dissolution de la commission des services publics de la ville de Picton et la prise en charge par le comté de Prince Edward des pouvoirs de la commission dissoute.
5. La dissolution de la commission des services publics de Rodney et celle du village de West Lorne et la prise en charge par la commission hydroélectrique de la municipalité de West Elgin des pouvoirs des commissions dissoutes ayant trait à la distribution d'énergie électrique et à l'approvisionnement en celle-ci.
6. La dissolution de la commission des services publics du village de Dutton et la prise en charge par la municipalité de Dutton/Dunwich des pouvoirs de la commission dissoute.
7. La dissolution des commissions des services publics du village de Belmont et du village de Port Stanley et la prise en charge par la municipalité de Central Elgin des pouvoirs des commissions dissoutes.
8. La dissolution de la commission des services publics du village de Springfield et la prise en charge par le canton de Malahide des pouvoirs de la commission dissoute.

(2) Pour l'application de la Loi, dans le cas des événements visés au paragraphe (1) :

- a) les employeurs précédents sont les commissions des services publics qui sont dissoutes;

- b) les employeurs qui succèdent sont les municipalités et les commissions hydroélectriques qui prennent en charge les pouvoirs des commissions des services publics dissoutes;

- c) la date du changement pour chaque événement est le 1<sup>er</sup> janvier 1998.

2. (1) La Loi s'applique dès que se produit l'un ou l'autre des événements suivants :

1. Le transfert de la responsabilité de construire et d'entretenir des routes du comté de Lennox et Addington au canton de Stone Mills.
2. Le transfert de la responsabilité de construire et d'entretenir des routes du comté de Lennox et Addington à la ville de Greater Napanee.
3. Le transfert de la responsabilité de construire et d'entretenir des routes du comté de Lennox et Addington au canton Loyalist.
4. Le transfert de la responsabilité de construire et d'entretenir des routes du comté d'Elgin à la municipalité de West Elgin.
5. Le transfert de la responsabilité de construire et d'entretenir des routes du comté d'Elgin à la municipalité de Dutton/Dunwich.
6. Le transfert de la responsabilité de construire et d'entretenir des routes du comté d'Elgin à la municipalité de Central Elgin.
7. Le transfert de la responsabilité de construire et d'entretenir des routes du comté d'Elgin au canton de Malahide.
8. Le transfert de la responsabilité de construire et d'entretenir des routes du comté d'Elgin à la municipalité de Bayham.

(2) Pour l'application de la Loi, dans le cas des événements visés au paragraphe (1) :

- a) les employeurs précédents sont les municipalités desquelles la responsabilité est transférée;
- b) les employeurs qui succèdent sont les municipalités auxquelles la responsabilité est transférée;
- c) la date du changement pour chaque événement est le 1<sup>er</sup> janvier 1998.

9/98

**ONTARIO REGULATION 38/98**  
made under the  
**AMBULANCE ACT**

Made: February 2, 1998  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 501/97  
(General)

Note: Ontario Regulation 501/97 has not previously been amended.

1. Section 54 of Ontario Regulation 501/97 is revoked and the following substituted:

54. (1) When directing the movements of an ambulance, a communications officer shall comply with any request for a patient to be trans-

ported to a specified health facility that is made by a physician, midwife or registered nurse in the extended class unless,

- (a) the facility cannot receive the patient; or
- (b) a change in the medical condition of the patient requires that the patient be taken to a closer facility or a facility that is better able to care for the patient.

(2) If a communications officer directs an ambulance to a facility other than the one requested by a physician, midwife or registered nurse in the extended class, the officer shall inform the physician, midwife or registered nurse in the extended class of the change in the patient's destination.

(3) In this section,

"registered nurse in the extended class" means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*.

ELIZABETH WITMER  
Minister of Health

Dated on February 2, 1998.

9/98

**ONTARIO REGULATION 39/98**  
made under the  
**NURSING ACT, 1991**

Made: December 18, 1997  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 275/94  
(General)

Note: Ontario Regulation 275/94 has not been amended in 1997. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) The heading immediately preceding section 0.1 of Ontario Regulation 275/94 is revoked and the following substituted:**

**PART I**  
**DEFINITIONS**

**(2) Section 0.1 of the Regulation is amended by adding the following definition:**

"registered nurse in the extended class" means a member who holds an extended certificate of registration as a registered nurse;

**2. Subsection 1 (1) of the Regulation is amended by adding the following paragraph:**

5. Extended.

**3. Section 3 of the Regulation is revoked and the following substituted:**

**3. (1)** A person may apply for a certificate of registration in any class other than the extended class by completing an application form supplied by the Executive Director and submitting it along with the prescribed application fee.

**(2)** A person may apply for a certificate of registration for the extended class in the category of registered nurse by completing an application form supplied by the Executive Director and submitting it along with the prescribed application fees.

**(3)** Upon receipt of the prescribed registration fee, the Executive Director shall issue a certificate of registration to a person,

(a) if the Executive Director proposes to register the person under clause 15 (1) (a) of the Health Professions Procedural Code; or

(b) if authorized or directed by a panel of the Registration Committee to issue the certificate to the person.

**4. Paragraph 3 of subsection 9 (2) of the Regulation is amended by striking out "the Schedule" in the second line and substituting "Schedule 1".**

**5. (1) Subparagraph v of paragraph 1 of subsection 10 (1) of the Regulation is amended by striking out "the Schedule" in the second line and substituting "Schedule 1".**

**(2) Subparagraph v of paragraph 1 of subsection 10 (2) of the Regulation is amended by striking out "the Schedule" in the second and third lines and substituting "Schedule 1".**

**6. The Regulation is amended by adding the following section:**

**EXTENDED CERTIFICATES OF REGISTRATION**

**11.1 (1)** The following are non-exemptible registration requirements for an extended certificate of registration as a registered nurse:

1. The applicant,

- i. must hold a general certificate of registration as a registered nurse, issued by the College, or
- ii. must satisfy the Registration Committee that he or she meets the registration requirements for a general certificate of registration as a registered nurse set out in paragraphs 1 and 3 of subsection 6 (1).

2. The applicant,

- i. must have graduated from an Ontario university program for preparing registered nurses in the extended class that was, at the time the applicant graduated, approved by the Council of Ontario University Programs in Nursing and by the Senate or Governing Council of the university that offered the program,
- ii. must have graduated from a nursing program that the Registration Committee determines was, at the time the applicant graduated, equivalent to an Ontario university program for preparing registered nurses in the extended class that is currently approved by the Council of Ontario University Programs in Nursing and by the Senate or Governing Council of the university offering the program, or
- iii. must have graduated from a nursing program and, if the Registration Committee does not make the determination mentioned in paragraph ii with respect to the program, must also satisfy the Registration Committee that he or she has obtained additional nursing education or experience that, together with the education provided by the nursing program from which he or she graduated, is equivalent to the education provided by an Ontario university program for preparing registered nurses in the extended class that is currently approved by the Council of Ontario University Programs in Nursing and by the Senate or Governing Council of the university offering the program.

**3.** At the time of successfully completing all other requirements for registration as a registered nurse in the extended class or at the time of application, whichever is later, the applicant must,

- i. undergo an assessment of the applicant's competence in a form provided by the Registration Committee,
- ii. successfully complete an examination and evaluation set by the Registration Committee, and
- iii. satisfy the Registration Committee that, during the past five years,
  - A. he or she has practised nursing for at least two years,
  - B. his or her nursing practice was performed safely, and

- C. for at least one of those years, he or she practised in a nursing role that required him or her to use advanced knowledge and decision-making skills in assessment, diagnosis and health care management.

(2) The following are registration requirements for an extended certificate of registration as a registered nurse:

1. The applicant is able to demonstrate the ability to speak and write either English or French with reasonable fluency.
2. The applicant is a Canadian citizen or a permanent resident of Canada or authorized under the *Immigration Act* (Canada) to engage in the practice of nursing.
3. An applicant who graduated from a program referred to in subparagraph ii, iii or iv of paragraph 1 of subsection 6 (1) must show proof of registration or eligibility for registration as a registered nurse in the jurisdiction in which the program was located.
4. An applicant who graduated from a program referred to in subparagraph ii or iii of paragraph 2 of subsection (1) must, if the program was located outside Ontario, show proof of registration, or eligibility for registration, as the equivalent of a registered nurse in the extended class, in the jurisdiction in which the program was located.
5. The applicant must not have been refused registration in the nursing profession in another jurisdiction.

(3) If an applicant for a certificate of registration in the extended class fails to successfully complete the examination and evaluation referred to in subparagraph ii of paragraph 3 of subsection (1), the applicant must, as an additional registration requirement, successfully complete such additional education and obtain such additional training and experience as the Registration Committee determines is necessary to enable the applicant to practise safely as a registered nurse in the extended class, before resubmitting to the examination and evaluation referred to in subparagraph ii of paragraph 3 of subsection (1).

**7. (1) Clause 12 (3) (a) of the Regulation is revoked and the following substituted:**

- (a) the applicant has applied for a general or extended certificate of registration as a registered nurse and has satisfied the registration requirements described in paragraph 1 of subsection 6 (1);
- (a.1) the applicant has applied for a general certificate of registration as a registered practical nurse and has satisfied the registration requirements described in paragraph 1 of subsection 6 (2); or

**(2) Subsection 12 (4) of the Regulation is amended by striking out "the examination under clause (3) (a)" in the first and second lines and substituting "an examination under clause (3) (a) or (a.1)".**

**8. The heading immediately preceding section 14 of the Regulation is revoked and the following substituted:**

### PART III CONTROLLED ACTS

**9. Subsections 15 (2) and (3) of the Regulation are revoked and the following substituted:**

(2) For the purpose of clause 5 (1) (a) of the Act, any member may perform a procedure set out in subsection (4) if the procedure is ordered by a registered nurse in the general class or a registered nurse in the extended class.

(3) No registered nurse in the general class and no registered nurse in the extended class shall order a procedure set out in subsection (4) unless he or she meets all of the conditions set out in subsection (5).

**10. The Regulation is amended by adding the following sections:**

**17. For the purpose of clause 5 (1) (a) of the Act, a registered nurse in the extended class may perform any of the following procedures if he or she meets all of the conditions set out in subsection 15 (5):**

1. With respect to the care of a wound below the dermis or below the surface of a mucous membrane, any of the following procedures:
  - i. cleansing,
  - ii. soaking,
  - iii. irrigating,
  - iv. probing,
  - v. debriding,
  - vi. packing,
  - vii. dressing,
  - viii. suturing, except below the fascia and except in cases in which there may be underlying damage.
2. Venipuncture to establish peripheral intravenous access.
3. Venipuncture to obtain a blood sample for a test set out in Appendix C of Regulation 682 of the Revised Regulations of Ontario, 1990 (Laboratories) made under the *Laboratory and Specimen Collection Centre Licensing Act*.
4. A procedure that, for the purpose of assessing or treating an individual or assisting an individual with health management activities, requires putting an instrument,
  - i. beyond the point in the individual's nasal passages where they normally narrow,
  - ii. beyond the individual's larynx, or
  - iii. beyond the opening of the individual's urethra.
5. A procedure that, for the purpose of assessing or treating an individual, assisting an individual with health management activities or making a diagnosis with respect to an individual, requires putting an instrument or finger,
  - i. beyond the individual's anal verge, or
  - ii. into an artificial opening into the individual's body.
6. A procedure that, for the purpose of assessing or treating an individual, assisting an individual with health management activities or making a diagnosis with respect to an individual, requires putting an instrument, hand or finger beyond the individual's labia majora.

**18. For the purposes of paragraph 2 of subsection 5.1 (1) of the Act, the application of sound-waves for diagnostic ultrasound of the abdomen, pelvis and breast may be ordered by a registered nurse in the extended class.**

**19. (1) For the purposes of paragraph 3 of subsection 5.1 (1) of the Act, the following drugs are designated:**

1. An immunizing agent set out in Schedule 2.
2. A drug set out in Schedule 3.
3. Any drug that may lawfully be purchased or acquired without a prescription.

(2) If circumstances are set out opposite a drug set out in Schedule 3, a registered nurse in the extended class shall only prescribe the drug under paragraph 2 of subsection (1) in those circumstances.

20. For the purposes of subsection 5.1 (2) of the Act, the prescribed standards of practice respecting consultation with members of other health professions shall be those set out in the publication of the College entitled "Standards of Practice for Registered Nurses who hold an extended class certificate of registration", as that publication exists and is amended from time to time by the College.

**11. The Regulation is amended by adding the following Part:**

**PART IV  
QUALITY ASSURANCE**

**GENERAL**

**21. In this Part,**

"assessor" means an assessor appointed under section 81 of the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee of the College.

22. The quality assurance program shall be administered by the Committee and shall consist of,

- (a) reflective practice requirements;
- (b) maintenance of records;
- (c) the assessment of members' competence to practise;
- (d) remediation; and
- (e) the monitoring of members' participation in, and compliance with, the program.

23. (1) Any of the powers of the Committee under this Part may be exercised by a panel of the Committee appointed under this section.

(2) The chair of the Committee may select a panel of at least three members among the members of the Committee.

(3) A panel shall include,

- (a) at least one member who is both a member of the Council and a member of the College; and
- (b) at least one person who is a member of the Council appointed to the Council by the Lieutenant Governor in Council.

**REFLECTIVE PRACTICE REQUIREMENTS**

24. (1) As part of the quality assurance program, every member shall on an annual basis complete the following reflective practice requirements:

1. Complete a personal assessment of the member's practice.
2. Obtain feedback with respect to the member's practice from a peer of his or her choice.
3. Evaluate the results of the implementation of the previous year's learning plan.
4. Develop a learning plan for the current year, based on the information obtained from the personal assessment and the peer feedback and on the evaluation referred to in paragraph 3.
5. Implement the learning plan.

(2) A member shall complete the reflective practice requirements in accordance with the standards of practice published by the College and provided to each member.

**RECORDS**

25. (1) Every member shall,

- (a) maintain records relating to the member's ongoing education, practice, professional development and reflective practice, in accordance with the standards of practice published by the College and provided to each member;
- (b) make the reflective practice records available to the Committee or to an assessor on request; and
- (c) provide to the Committee or to an assessor such additional information respecting the ongoing education, practice and professional development as the Committee or the assessor may require.

(2) Every member shall complete and submit to the College, at the time of the payment of the annual fee and at such other times as may be required by the Committee, a declaration that he or she has maintained his or her records as required under clause (1) (a).

(3) The Committee may request that a member submit the records referred to in clause (1) (a) to the Committee for its review.

(4) A member who receives a request under subsection (3) shall submit the records within a reasonable time.

(5) If a member's reflective practice records are requested by the Committee, the records shall not be provided to or available to the Complaints Committee or Executive Committee and shall not be used against the member in a proceeding before the Discipline Committee or the Fitness to Practise Committee.

(6) If, after having reviewed a member's records and any submission made under section 28, the Committee finds that a member has not prepared his or her records in accordance with this section, the Committee may,

- (a) give the member an opportunity to complete the records; or
- (b) direct the member to complete the records.

(7) A member who is directed by the Committee to complete records shall do so within a reasonable time.



## COMPETENCE ASSESSMENTS AND REMEDIATION

26. (1) The Committee may require a member to undergo an assessment of his or her knowledge, skills and judgment if,

- (a) the Committee or panel has reasonable grounds to believe that the member's knowledge, skills or judgment may be unsatisfactory; or
- (b) the member is selected for an assessment in accordance with the Committee's practice of random selections for assessment.

(2) If a member undergoes an assessment as required under subsection (1), the assessor shall submit to the Committee a written report of the assessment.

(3) In a report under subsection (2), the assessor shall advise as to whether remediation could correct any inadequacies in the member's knowledge, skills or judgment and shall make recommendations as to the appropriate remedial measures for the member.

(4) Upon receiving a report under subsection (2), the Committee shall give the member who is the subject of the report,

- (a) a copy of the report; and
- (b) notice of his or her right to give the Committee a written response with respect to the assessor's report within 14 days of the receipt of the notice.

(5) A member who receives a copy of an assessor's report under subsection (4) may submit a written response to the report to the Committee within 14 days of the receipt of the notice.

(6) A Committee may, after having considered an assessor's report and any response from the member,

- (a) give the member an opportunity to address the recommendations made in the report;
- (b) recommend that the member undertake a specified remedial measure;
- (c) direct the member to take a specified remedial measure;
- (d) if the Committee is satisfied that the member's skills, knowledge and judgment are unsatisfactory, direct the Executive Director to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months.

(7) The remedial measures that an assessor or the Committee may recommend or that the Committee may require under this section may include,

- (a) the completion by the member of specified learning activities such as education programs, refresher programs, continuing education programs, workshops, counselling or review of journal literature, in collaboration with a colleague or mentor;
- (b) that the member practice only in settings that provide regular opportunities for a mentor or a peer to observe the member and provide advice to the member; and
- (c) the submission of a report by the member and, if applicable, by the peer or mentor to the assessor attesting to the outcome of the learning or remediation measures.

(8) If a member fails to undergo an assessment as required under subsection (1) or fails to undertake or to successfully complete the specified remedial measure required by the Committee under clause (6) (c), the Committee may direct the Executive Director to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months.

(9) The Committee may direct the Executive Director to remove a term, condition or limitation imposed on a member's certificate of registration under subsection (8) before the end of the specified period if the Committee is satisfied that the term, condition or limitation is no longer required.

27. (1) Every member who is issued a certificate of registration in the extended class shall, at the end of his or her first three years or first 1800 hours of practice as a registered nurse in the extended class, whichever occurs first, undergo an assessment of his or her knowledge, skills and judgment to ensure that the member is competent to practise as a registered nurse in the extended class.

(2) Subsections 26 (2) to (9) apply with necessary modifications to an assessment carried out under this section.

(3) In carrying out an assessment under this section, the assessor shall,

- (a) ensure that the member has established an appropriate network for consultation with members of other health professions;
- (b) ensure that the member has complied with the consultation indicators required in the standards of practice published by the College and provided to the members; and
- (c) review the evaluation prepared by the member, in the form provided by the College, of his or her first 1800 hours of practice or first three years of practice, as the case may be.

## NOTICE AND RESPONSE

28. (1) The Committee shall give a member notice in writing of its intention,

- (a) to review the members records under section 25;
- (b) to require a member to undergo a competence assessment under subsection 26 (1); and
- (c) to direct the Executive Director to impose a term, condition or limitation on the member's certificate of registration under clause 26 (6) (d) or subsection 26 (8).

(2) A notice given under subsection (1) shall inform the member of his or her right to make a written submission to the Committee within 14 days of receiving the notice.

(3) A member who receives a notice under this section may give the Committee a written submission with respect to the Committee's intended action within 14 days of receiving the notice.

(4) The Committee may permit a member to appear before the Committee and make an oral submission if,

- (a) the member has received notice that the Committee intends to direct the Executive Director to impose a term, condition or limitation on the member's certificate of registration; and
- (b) the submission is likely to be of assistance to the Committee.

## MONITORING MEMBERS' COMPLIANCE

29. The Committee shall ensure that members participate in the quality assurance program in accordance with this regulation and comply with the requirements of the various components of the program.

12. The Schedule to the Regulation is amended by striking out the heading "Schedule" and substituting "Schedule 1".

13. The Regulation is amended by adding the following Schedules:

## Schedule 2

Diphtheria and tetanus toxoids (DT)

Diphtheria and tetanus toxoids and pertussis vaccine (DPT)

Diphtheria and tetanus toxoids and polio vaccine (DT—polio)

Diphtheria and tetanus toxoids and pertussis and polio vaccines (DPT—polio)

Diphtheria and tetanus toxoids and pertussis and haemophilus b vaccines (DPT—Hib)

Diphtheria and tetanus toxoids and pertussis, polio and haemophilus b vaccines (DPT—polio + Hib)

Haemophilus b vaccine (Hib)

Hepatitis B immune globulin

Hepatitis B vaccine

Inactivated polio vaccine

Influenza vaccine

Measles, mumps and rubella vaccine (MMR)

Measles vaccine

Meningococcal vaccine

Mumps vaccine

Pertussis vaccine

Pneumococcal vaccine

Rh (D) immune globulin

Rubella vaccine

Tetanus toxoid

Tetanus and diphtheria toxoids (Td)

Tetanus and diphtheria toxoids and polio vaccine (Td—polio)

## Schedule 3

Acetic acid/benzethonium chloride/hydrocortisone compound

Acyclovir (topical preparation)

Amoxicillin

Amoxicillin and clavulanate—for the purpose of treating human or animal bites

Aqueous procaine penicillin G—for the purpose of treating sexually transmitted diseases

Azithromycin—for the purpose of treating sexually transmitted diseases

Benzathine penicillin G—for the purpose of treating sexually transmitted diseases

Benzoyl peroxide

Betamethasone sodium phosphate and gentamicin sulfate otic solution

Betamethasone valerate

Cefixime—for the purpose of treating sexually transmitted diseases

Ceftriaxone sodium—for the purpose of treating sexually transmitted diseases

Cephalexin

Clindamycin (topical preparation)

Cloxacillin (oral preparation)

Desogesterol and ethinyl estradiol

Dextrose 50 per cent (injectable preparation)—in an emergency

Diazepam (injectable preparation)—in an emergency

Dienestrol

Diphenhydramine hydrochloride (injectable preparation)—in an emergency

Doxycycline hyclate—for the purpose of treating sexually transmitted diseases

Doxylamine succinate and pyridoxine hydrochloride

Econazole

Epinephrine hydrochloride (injectable preparation)—in an emergency

Erythromycin base

Erythromycin estolate

Erythromycin ethylsuccinate

Erythromycin stearate

Erythromycin with ethyl alcohol lotion

Ethinyl estradiol and ethynodiol diacetate

Ethinyl estradiol and levonorgestrel

Ethinyl estradiol and norethindrone

Ethinyl estradiol and norethindrone acetate

Ethinyl estradiol and norgestimate

Ethinyl estradiol and norgestrel

Flunisolide

Fluocinolone acetonide

Flumethasone pivalate/clioquinol compound

Folic acid

Framycetin sulphate

Framycetin sulphate/gramicidin/dexamethasone compound otic solution

Fusidic acid (topical preparation)

Hydrocortisone (topical preparation)

Hydroxyzine hydrochloride (oral preparation)

Ibuprofen

Ipratropium bromide (inhaler or nebulizer solution)—in an emergency

Ketoprofen

Lidocaine hydrochloride 1 per cent and 2 per cent, with or without epinephrine (local anaesthetic)

Levocabastine HCl

Lorazepam (injectable preparation)—in an emergency

Medroxyprogesterone acetate (injectable preparation)

Mefenamic acid

Mestranol and norethindrone

Metronidazole (oral and topical preparations)

Naproxen

Nicotine patch

Nitrofurantoin

Norethindrone

Nystatin (oral)

Penicillin V

Phenazopyridine HCl

PPD-B (Mantoux)

Salbutamol (inhaler or nebulizer solution)—in an emergency

Silver sulfadiazine

Sodium cromoglycate (ophthalmic and nasal preparations)

Sulfacetamide sodium

Terconazole

Terbinafine (topical preparation)

Tetracycline hydrochloride (oral preparation)

Trimethoprim

Trimethoprim and sulfamethoxazole (oral preparation)

**14. This Regulation comes into force on the day that section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.**

COUNCIL OF THE COLLEGE OF NURSES OF ONTARIO:

E. PETRA COOKE  
*President*

MARGARET RISK  
*Executive Director*

Dated on December 18, 1997.

9/98

**ONTARIO REGULATION 40/98**  
made under the  
**NURSING ACT, 1991**

Made: January 29, 1998  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 454/95  
(Fees)

Note: Ontario Regulation 454/95 has not previously been amended.

**1. Section 1 of Ontario Regulation 454/95 is amended by adding the following subsection:**

(2) In addition to the fee payable under subsection (1), a person who applies for an extended class certificate of registration as a registered nurse shall pay an application fee of \$200 for the assessment by the Executive Director of the application under section 15 of the Health Professions Procedure Code.

COUNCIL OF THE COLLEGE OF NURSES OF ONTARIO:

E. PETRA COOKE  
*President*

MARGARET RISK  
*Executive Director*

Dated on January 29, 1998.

9/98

ONTARIO REGULATION 41/98  
made under the  
CHARITABLE INSTITUTIONS ACT

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 69 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 69 has been amended by Ontario Regulations 11/97 and 198/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 28.5 (2) of Regulation 69 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) For the six-month periods ending June 30, 1996 and December 31, 1996, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Semi-Annual Report" and dated May 20, 1996.

(2.1) For the six-month period ending June 30, 1997 and for each subsequent six-month period, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Semi-Annual Report" and dated June 27, 1997.

(2) Subsection 28.5 (4) of the Regulation is revoked.

2. Subsection 28.6 (5) of the Regulation is revoked and the following substituted:

(5) In this section,

"approved provincial subsidy for the year" means,

(a) in relation to 1995, the approved provincial subsidy for the year as determined in accordance with the last quarterly report for the year, the year-end report for the year and the auditor's report on the year-end report;

(b) in relation to 1996 and following years, the approved provincial subsidy for the year as determined in accordance with the semi-annual report for the last six months of the year, the year-end report for the year and the auditor's report on the year-end report.

3. (1) Item 3 of Table 2 of the Regulation is amended by striking out "1996 and following years" in Column 1 and substituting "1996".

(2) Table 2 of the Regulation is amended by adding the following item:

4.	1997 and following years	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated April 26, 1997.
----	--------------------------	---

4. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Section 1 shall be deemed to have come into force on June 30, 1997.

(3) Section 2 shall be deemed to have come into force on May 29, 1997.

9/98

ONTARIO REGULATION 42/98  
made under the  
HOMES FOR THE AGED AND REST HOMES ACT

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 637 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 637 has been amended by Ontario Regulations 10/97 and 199/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 3 (1) of Regulation 637 of the Revised Regulations of Ontario, 1991 is revoked and the following substituted:

(1) Subject to subsection (2), the municipality, municipalities or board maintaining and operating a home shall ensure that there are nurses with nursing experience on the staff of the home and that at least one of those nurses is a registered nurse.

2. (1) Subsection 38 (2) of the Regulation is revoked and the following substituted:

(2) For the six-month periods ending June 30, 1996 and December 31, 1996, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Semi-Annual Report" and dated May 20, 1996.

(2.1) For the six-month period ending June 30, 1997 and for each subsequent six-month period, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Semi-Annual Report" and dated June 27, 1997.

(2) Subsection 38 (4) of the Regulation is revoked.

3. Subsection 39 (5) of the Regulation is revoked and the following substituted:

(5) In this section,

"approved provincial subsidy for the year" means,

(a) in relation to 1995, the approved provincial subsidy for the year as determined in accordance with the last quarterly report for the year, the year-end report for the year and the auditor's report on the year-end report;

(b) in relation to 1996 and following years, the approved provincial subsidy for the year as determined in accordance with the semi-annual report for the last six months of the year, the year-end report for the year and the auditor's report on the year-end report.

4. (1) Item 3 of Table 1 of the Regulation is amended by striking out "1996 and following years" in Column 1 and substituting "1996".

(2) Table 1 of the Regulation is amended by adding the following item:

4.	1997 and following years	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated April 26, 1997.
----	--------------------------	---

5. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Section 2 shall be deemed to have come into force on June 30, 1997.

(3) Section 3 shall be deemed to have come into force on May 29, 1997.

9/98

**ONTARIO REGULATION 43/98**  
made under the  
**NURSING HOMES ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 832 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 832 has been amended by Ontario Regulations 9/97 and 196/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 7 of Regulation 832 of the Revised Regulations of Ontario, 1990 is amended by deleting "or" at the end of clause (b) and by adding the following clauses:

- (d) to facilitate the transfer of beds from a nursing home operated by a licensee to another nursing home operated by the same licensee;
- (e) to facilitate the transfer of beds from a nursing home operated by a licensee to a nursing home operated by another licensee;
- (f) to facilitate the implementation of written undertakings made by the Minister prior to 1995 to licensees of nursing homes to increase the bed capacity of those nursing homes; or
- (g) to facilitate the transfer of beds from a home under the *Homes for the Aged and Rest Homes Act* or an approved charitable home for the aged under the *Charitable Institutions Act* to a nursing home that is situated in the same premises as the home or approved charitable home for the aged, as the case may be.

2. (1) Subsection 112 (2) of the Regulation is revoked and the following substituted:

(2) For the six-month periods ending June 30, 1996 and December 31, 1996, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long Term Care Facility Semi-Annual Report" and dated May 20, 1996.

(2.1) For the six-month period ending June, 30, 1997 and for each subsequent six-month period, the semi-annual report shall be made on and in accordance with the form published by the Ministry of Health titled "Long-Term Care Facility Semi-Annual Report" and dated June 27, 1997.

(2) Subsection 112 (4) of the Regulation is revoked.

3. Subsection 113 (5) of the Regulation is revoked and the following substituted:

(5) In this section,

"approved provincial subsidy for the year" means,

- (a) in relation to 1995, the approved provincial subsidy for the year as determined in accordance with the last quarterly report for the year, the year-end report for the year and the auditor's report on the year-end report;
- (b) in relation to 1996 and following years, the approved provincial subsidy for the year as determined in accordance with the semi-annual report for the last six months of the year, the year-end report for the year and the auditor's report on the year-end report.

4. (1) Item 3 of Table 1 of the Regulation is amended by striking out "1996 and following years" in Column 1 and substituting "1996".

(2) Table 1 of the Regulation is amended by adding the following item:

4.	1997 and following years	The document titled "Long-Term Care Facility Subsidy Calculation Worksheet" and dated April 26, 1997.
----	--------------------------	---

5. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Section 2 shall be deemed to have come into force on June 30, 1997.

(3) Section 3 shall be deemed to have come into force on May 29, 1997.

9/98

**ONTARIO REGULATION 44/98**  
made under the  
**HEALTH INSURANCE ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97 and 2/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:

"registered nurse in the extended class" means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*.

2. Section 8 of the Regulation is amended by adding the following subsections:

(1.1) Despite paragraph 1 of subsection (1), a laboratory, radiological or other diagnostic procedure ordered by a registered nurse in the

extended class is not an out-patient service to which an insured person is entitled without charge unless it is a laboratory, radiological or diagnostic procedure described in subsection (1.2).

(1.2) For the purposes of subsection (1.1), the following laboratory, radiological and diagnostic procedures are, when ordered by a registered nurse in the extended class who is on the extended nursing staff of a hospital, out-patient services to which an insured person is entitled without charge:

1. A mammography.
2. An X-ray of the chest, ribs, arm, wrist, hand, leg, ankle or foot of a human being.
3. A diagnostic ultrasound of the abdomen, pelvis or breast.
4. A laboratory test referred to in Schedule 22.

(1.3) In subsection (1.2),  
"extended class nursing staff" means those registered nurses in the extended class to whom the board of directors, governors, trustees, commission or other governing body or authority of a hospital has granted privileges with respect to the ordering of diagnostic procedures for out-patients in the hospital.

3. Subsection 11 (1) of the Regulation is amended by striking out "or" at the end of clause (c), adding "or" at the end of clause (d) and adding the following clause:

- (e) registered as an out-patient, solely for the purpose of undergoing a diagnostic procedure, on the order or under the authority of a registered nurse in the extended class.

4. (1) Clause 22 (1) (a) of the Regulation is revoked and the following substituted:

- (a) the test,
- (i) is specifically authorized, on a form approved by the Minister, by a physician or a midwife who has clinically assessed the patient to whom the test relates, or
- (ii) is a test referred to in Schedule 22 and is specifically authorized, on a form approved by the Minister, by a registered nurse in the extended class who has clinically assessed the patient to whom the test relates; and

(2) Clause 22 (2) (b) of the Regulation is amended by striking out "physician or midwife" wherever it appears and substituting "physician, midwife or registered nurse in the extended class".

5. Subsection 37 (1) of the Regulation is revoked and the following substituted:

- (1) A hospital is prescribed as an organization that must provide information to the General Manager for the purposes of subsection 37 (2) of the Act.
- (2) A hospital shall give the General Manager a written statement regarding the condition of an insured person who received insured services or other treatment in the hospital and the statement shall,
- (a) be prepared by the physician, midwife or registered nurse in the extended class who attends the insured person in the hospital; and

- (b) set out the reasons the insured services and other treatment provided to the insured person during his or her stay in hospital were necessary.

6. (1) Subsection 38.4 (2) of the Regulation is amended by adding "or registered nurse in the extended class" at the end.

(2) Subsection 38.4 (2.1) of the Regulation is amended by striking out "physician or midwife" at the end and substituting "physician, midwife or registered nurse in the extended class".

7. The Regulation is amended by adding the following Schedule:

Schedule 22

BACTERIOLOGY		
1.	L622	Chlamydia—culture isolation or non-cultural assays by fluorescence of ELISA techniques
2.	L624	Cultures—blood (including aerobic, anaerobic, subcultures, smears)
3.	L625	Cultures—cervical, vaginal, including GC culture, Gram smear, yeast, identification (e.g. Germ tube)
4.	L627	Cultures—GC culture and smear
5.	L628	Cultures—other swabs or pus-culture and smear (including screening)
6.	L629	Cultures—sputum-culture and smear
7.	L630	Cultures—stool culture, including the necessary agglutinations and culture for campylobacter
8.	L631	Cultures—tuberculosis, including ZN or fluorescent smear
9.	L634	Cultures—urine calibrated volume to include plate, turbidimetric or photometric techniques
10.	L640	Cultures—throat swab, for streptococcus screen only
11.	L641	Cultures—urine, screening, actual culture without identification
12.	L643	Smear only, Gram or Papanicolaou stain
13.	L653	West preparation (for fungus, trichomonas, parasites)
MYCOLOGY		
14.	L262	Cultures—fungus, including KOH preparation and smear
15.	L652	Smear only, special stain, e.g. ZN, inclusions, spores, diphtheria
PARASITOLOGY		
16.	L650	Parasites and ova (faeces and concentration)
17.	L654	Parasites and ova, smear only, special stain
18.	L651	Pinworm (Scotch tape prep)
CYTOLOGY		
19.	L710	Direct smears—oral, larynx, nipple discharge, vulvar
20.	L713	Cervicovaginal specimen (including all types of cellular abnormality, assessment of flora and/or cyto hormonal evaluation)
21.	L716	Sputum per specimen for general and/or specified assessment (e.g. cellular abnormality, asbestos bodies, lipid, hemosiderin, etc.)
BIOCHEMISTRY		
22.	L005	Albumin, Quantitative

23.	L018	Amylase
24.	L030	Bilirubin, total
25.	L031	Bilirubin, conjugated
26.	L040	Carbamazepine, Quantitative (Tegretol)
27.	L045	Calcium
28.	L053	Chloride
29.	L055	Cholesterol, total
30.	L067	Creatinine
31.	L093	Glycosylated hemoglobin—Hgb A1
32.	L107	Gamma Glutamyl transpeptidase
33.	L111	Glucose, quantitative (not by dipstick)
34.	L117	High Density Lipoprotein Cholesterol
35.	L139	Iron, Total—with iron binding capacity
36.	L148	Lead
37.	L157	Lithium
38.	L181	Occult Blood
39.	L191	Phosphatase, Alkaline
40.	L194	Phosphorus (inorganic phosphate)
41.	L204	Potassium
42.	L208	Protein, total
43.	L215	Quinidine
44.	L221	Salicylate, Quantitative
45.	L222	SGOT (AST)
46.	L223	SGPT (ALT)
47.	L226	Sodium
48.	L243	Triglycerides
49.	L252	Uric Acid
50.	L253	Urinalysis, routine, chemical (any of S.G., pH, protein, sugar, hemoglobin, ketones, urobilinogen, bilirubin, leukocyte esterase, nitrate)
51.	L254	Urinalysis microscopic examination of centrifuged specimen
IMMUNOASSAYS		
52.	L306	Digoxin
53.	L309	Folate, in red cells, to include serum folate and hematocrit
54.	L311	Estriol
55.	L315	FSH (Pituitary Gonadotrophins)
56.	L318	HCO (Human Chorionic Gonadotrophins)
57.	L319	Hepatitis Associated Antigen or Antibody immunology (e.g. hepatitis B surface antigen or antibody, hepatitis B anticore antibody, hepatitis A antibody)
58.	L321	Aminophylline (Theophylline)
59.	L325	Diphenylhydantoin (Phenytoin), Quantitative (Dilantin)

60.	L329	Ferritin
61.	L341	TSH (Thyroid Stimulating Hormone)
62.	L345	Vitamin B <sup>12</sup>
63.	L691	Alpha-fetoprotein screen
IMMUNOLOGY		
64.	L500	Agglutination Reaction—Screen
65.	L544	Fluorescent Antibody Tests (Immunofluorescent Studies), Tests for serum antibodies to tissue and cell components—antinuclear
66.	L655	Pregnancy test
67.	L667	Non-cultural direct bacterial antibody or antigen assays by fluorescence, agglutination or ELISA techniques
68.	L668	Heterophile Antibodies—screen (slide or single tube)—with or without absorption
69.	L679	Virus antibodies—hemagglutination inhibition or ELISA techniques
70.	L683	Non-cultural indirect antibody or antigen assays by fluorescence, agglutination or ELISA techniques
HEMATOLOGY		
71.	L372	W.B.C. differential count, any method(s) includes R.B.C. morphology and platelet estimate, where indicated
72.	L377	Bleeding time—Ivy method
73.	L395	Eosinophil count
74.	L396	Platelet ( <i>thrombocyte</i> ) count
75.	L397	R.B.C. (E.R.C.) count, excluding manual method
76.	L398	Reticulocyte count
77.	L399	W.B.C. (L.K.S.) count, excluding whole blood manual method
78.	L417	Hematocrit
79.	L418	Hemaglobin
80.	L419	Hemoglobin electrophoresis or <i>chromatograph</i> to include Hb A2 fraction
81.	L445	Prothrombin time
82.	L452	Sickle cell preparation
83.	L462	Partial thromboplastin time
IMMUNOHEMATOLOGY		
84.	L481	Antibody Titre
85.	L482	Antibody screening
86.	L490	Blood Group—ABO and Rho (D)
87.	L493	Blood Group—ABO and Ph <i>Phenotype</i>

8. Form 2 of the Regulation is revoked.

9. This Regulation comes into force on the day that section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.

9/98



**ONTARIO REGULATION 45/98**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: February 2, 1998  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 965 of R.R.O. 1990  
(Hospital Management)

**Note:** Regulation 965 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Subsection 1 (1) of Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:**

"attending registered nurse in the extended class" means a registered nurse in the extended class who attends an out-patient in the hospital;

"extended class nursing staff" means those registered nurses in the extended class to whom the board has granted privileges with respect to the ordering of diagnostic procedures for out-patients in the hospital;

**(2) The definition of "nurse" in subsection 1 (1) of the Regulation is revoked and the following substituted:**

"nurse" means a member of the College of Nurses of Ontario who is a registered nurse.

**(3) Subsection 1 (1) of the Regulation is amended by adding the following definition:**

"registered nurse in the extended class" means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*.

**(4) The definition of "registered nursing assistant" in subsection 1 (1) of the Regulation is revoked.**

**2. (1) Subclause 4 (1) (b) (i) of the Regulation is amended by striking out "and, where applicable, the dental and midwifery staff" in the second and third lines.**

**(2) Clauses 4 (1) (c) and (c.1) of the Regulation are revoked and the following substituted:**

- (c) where the hospital has dental, midwifery or extended class nursing staff, provide for the organization of such staff, set out the duties of the staff and the criteria with respect to appointment and reappointment of the members of the staff.

**3. Clauses 7 (2) (a) and (b) of the Regulation are revoked and the following substituted:**

- (a) make recommendations to the board concerning,
- (i) where there is dental, midwifery or extended class nursing staff in the hospital, every application for appointment or reappointment to such staff,
- (ii) where there is dental, midwifery or extended class nursing staff in the hospital, the hospital privileges to be granted to each member of such staff,

- (iii) by-laws respecting the medical staff and by-laws respecting the dental, midwifery or extended class nursing staff, if there is such staff in the hospital,

- (iv) the dismissal, suspension or restrictions of hospital privileges of any member of the medical staff and, of any member of the dental, midwifery or extended class nursing staff, if there is such staff in the hospital,

- (v) the quality of care provided in the hospital by the medical, dental and midwifery staff,

- (vi) the quality of care provided in the hospital by members of the extended class nursing staff with respect to the ordering of diagnostic procedures, and

- (vii) the clinical and general rules respecting the medical, dental, midwifery and extended class nursing staff, as may be necessary in the circumstances;

- (b) supervise the practice of medicine, dentistry and midwifery in the hospital and supervise the ordering of diagnostic procedures by members of the extended class nursing staff;

**4. Subsection 11 (3) of the Regulation is revoked and the following substituted:**

(3) No person shall be registered in a hospital as an out-patient except,

- (a) on the order or under the authority of a member of the medical or midwifery staff;

- (b) in the case of a person who is an out-patient solely for the purpose of attending a dental clinic in a hospital, on the order or under the authority of a member of the dental staff; or

- (c) in the case of a person who is an out-patient solely for the purpose of undergoing a diagnostic procedure, on the order or under the authority of a member of the extended class nursing staff.

**5. Subsection 14 (2) of the Regulation is revoked and the following substituted:**

(2) An attending physician, attending dentist, attending midwife or attending registered nurse in the extended class who knows or suspects that his or her patient is suffering from an infectious disease or condition shall forthwith notify the administrator and either an infection control officer or an infection control nurse about the patient.

**6. Section 18 of the Regulation is amended by striking out "dental or midwifery staff" wherever it occurs and substituting "dental, midwifery or extended class nursing staff".**

**7. (1) Clause 22 (6) (a) of the Regulation is revoked and the following substituted:**

- (a) the attending physician, attending dentist, attending midwife or attending registered nurse in the extended class.

**(2) Clause 22 (6) (d) of the Regulation is amended by striking out "dental or midwifery staff" in the first line and substituting "dental, midwifery or extended class nursing staff".**

**8. Section 23.1 of the Regulation is amended by striking out "dental or midwifery staff" in the first and second lines and substituting "dental, midwifery or extended class nursing staff".**

**9. (1) Subsection 24 (1) of the Regulation is revoked and the following substituted:**

(1) Every order for treatment or for a diagnostic procedure of a patient shall, except as provided in subsection (2), be in writing and shall,

- (a) in the case of an order for treatment, be dated and authenticated by the physician, dentist or midwife giving the order; and
- (b) in the case of an order for a diagnostic procedure, be dated and authenticated by the physician, dentist, midwife or registered nurse in the extended class giving the order.

(2) Subsection 24 (2) of the Regulation is amended by adding "and a registered nurse in the extended class may dictate an order for a diagnostic procedure by telephone to any such person" at the end.

(3) Clause 24 (3) (a) of the Regulation is amended by striking out "dentist or midwife" in the second line and substituting "dentist, midwife or registered nurse in the extended class".

(4) Clause 24 (3) (b) of the Regulation is amended by striking out "dentist or midwife" in the first line and substituting "dentist, midwife or registered nurse in the extended class".

10. This Regulation comes into force on the day that section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.

ELIZABETH WITMER  
Minister of Health

Dated on February 2, 1998.

9/98

**ONTARIO REGULATION 46/98**  
made under the  
**LABORATORY AND SPECIMEN COLLECTION**  
**CENTRE LICENSING ACT**

Made: February 11, 1998  
Filed: February 11, 1998

Amending Reg. 682 of R.R.O. 1990  
(Laboratories)

Note: Regulation 682 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Clause 9 (a) of Regulation 682 of the Revised Regulations of Ontario, 1990 is amended by striking out "or" at the end of subclause (ii), adding "or" at the end of subclause (iii) and adding the following subclause:

- (iv) at the request of a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*, in respect of a test specified in Appendix C.

2. The Regulation is amended by adding the following appendix:

**APPENDIX C**

1. Antibiotic Sensitivity
2. Chlamydia—culture isolation or non-cultural assays by fluorescence or ELISA techniques
3. Cultures—cervical, vaginal, including GC culture, Gram smear, yeast identification (e.g. Germ tube)
4. Cultures—GC culture and smear
5. Cultures—other swabs or pus—culture and smear (includes screening)
6. Cultures—sputum—culture and smear
7. Cultures—stool culture, including the necessary agglutinations and culture for campylobacter

**RÈGLEMENT DE L'ONTARIO 46/98**  
pris en application de la  
**LOI AUTORISANT DES LABORATOIRES MÉDICAUX**  
**ET DES CENTRES DE PRÉLÈVEMENT**

pris le 11 février 1998  
déposé le 11 février 1998

modifiant le Règl. 682 des R.R.O. de 1990  
(Laboratoires)

Remarque : Le Règlement 682 n'a pas été modifié en 1997 ou en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'alinéa 9 a) du Règlement 682 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction du sous-alinéa suivant :

- (iv) à la demande d'une infirmière autorisée ou d'un infirmier autorisé qui est titulaire d'un certificat d'inscription supérieur aux termes de la *Loi de 1991 sur les infirmières et infirmiers*, s'il s'agit d'un test indiqué à l'annexe C.

2. Le Règlement est modifié par adjonction de l'annexe suivante :

**ANNEXE C**

1. Antibiogramme
2. Chlamydia — isolement par culture ou dosage sans culture par fluorescence ou technique ELISA
3. Cultures — prélèvements cervicaux, vaginaux, y compris pour gonocoque, frottis de Gram, identification des levures (par ex. en tube germinatif)
4. Cultures — gonocoque, culture et frottis
5. Cultures — autres prélèvements ou pus — culture et frottis (compris test de dépistage)
6. Cultures — expectorations — culture et frottis
7. Cultures — culture des selles, y compris agglutinations essentielles et culture d'isolement de campylobacter

8. Cultures—tuberculosis, including ZN or fluorescent smear
9. Cultures—urine calibrated volume to include plate, turbidimetric or photometric techniques
10. Cultures—throat swab, for streptococcus screen only
11. Cultures—urine, screening, actual culture without identification
12. Smear only, Gram or Papanicolaou stain
13. Wet preparation (for fungus, trichomonas, parasites)
14. Cultures—fungus, including KOH preparation and smear
15. Smear only, special stain e.g. ZN, inclusions, spores, diphtheria
16. Parasites and ova (faeces concentration)
17. Parasites and ova, smear only, special stain
18. Pinworm (Scotch tape prep)
19. Direct smears—oral, larynx, nipple discharge, vulvar
20. Cervicovaginal specimen (including all types of cellular abnormality, assessment of flora and/or cyto hormonal evaluation)
21. Sputum per specimen for general and/or specified assessment (e.g. cellular abnormality, asbestos bodies, lipid, hemosiderin, etc.)
22. Serology HIV Antibody
23. Albumin, Quantitative
24. Amylase
25. Bilirubin, total
26. Bilirubin, conjugated
27. Carbamazepine, Quantitative (Tegretol)
28. Calcium
29. Chloride
30. Cholesterol, total
31. Creatinine
32. Gamma glutamyl transpeptidase
33. Glucose, quantitative (not by dipstick)
34. Glycosylated hemoglobin—Hgb A1
35. High Density Lipoprotein Cholesterol
36. Iron, Total—with iron binding capacity
37. Lead
38. Lithium
39. Occult Blood
40. Phosphatase, Alkaline
41. Phosphorus (inorganic phosphate)
42. Potassium
8. Cultures — tuberculose, y compris frottis de Ziehl-Neelsen (ZN) ou microscopie par fluorescence
9. Cultures — urine, volume précis, pour analyse sur plaque de gélose, turbidimétrie ou épreuve photométrique
10. Cultures — prélèvement de gorge, pour dépistage des streptocoques seulement
11. Cultures — urine, dépistage, véritable culture sans identification
12. Frottis seulement, coloration de Gram ou de Papanicolaou
13. Préparation par voie humide (pour champignons, trichomonas, parasites)
14. Cultures — champignons, y compris préparation fongique au KOH et frottis
15. Frottis seulement, coloration spéciale, par ex. Ziehl-Neelsen (ZN), inclusion, spores, diphtérie
16. Parasites et œufs (concentration dans les selles)
17. Parasites et œufs, frottis seulement, coloration spéciale
18. Oxyures (ruban adhésif)
19. Frottis par examen direct — cavité buccale, larynx, écoulement mammaire, canal vulvaire
20. Prélèvement cervico-vaginal (y compris toute atypie cellulaire, examen de la flore ou analyse cytologique/hormonale)
21. Prélèvement d'expectorations en vue d'une analyse générale ou spécifique (par ex. atypie cellulaire, corps asbestosiques, lipides, hémosidéridine, etc.)
22. Sérologie, dépistage des anticorps anti-VIH
23. Dosage de l'albumine
24. Amylase
25. Bilirubine totale
26. Bilirubine conjuguée
27. Dosage de la carbamazépine (Tégrétol)
28. Calcium
29. Chlorure
30. Cholestérol total
31. Créatinine
32. Gamma-glutamyl transpeptidase
33. Dosage du glucose (autre que sur bandelette réactive)
34. Hémoglobine glycosylée — Hb A1
35. Cholestérol à lipoprotéines de haute densité
36. Fer total — avec épreuve de capacité de fixation en fer du plasma
37. Plomb
38. Lithium
39. Hémorragies occultes
40. Phosphatase alcaline
41. Phosphore (phosphate inorganique)
42. Potassium

- |  |   |
|--|---|
| 43. Protein, total   | 43. Protéines totales   |
| 44. Quinidine  | 44. Quinidine   |
| 45. Salicylate, Quantitative   | 45. Dosage du salicylate  |
| 46. SGOT (AST)   | 46. SGOT (ASAT)   |
| 47. SGPT (ALT)   | 47. SGPT (ALAT)   |
| 48. Sodium   | 48. Sodium  |
| 49. Triglycerides  | 49. Triglycérides   |
| 50. Uric Acid  | 50. Acide urique  |
| 51. Urinalysis, routine chemical (any of SG, pH, protein, sugar, hemoglobin, ketones, urobilinogen, bilirubin, leukocyte esterase, nitrate)                  | 51. Analyse d'urine, analyse chimique courante (tout ou partie des éléments suivants : densité relative, pH, protéines, glucose, hémoglobine, corps cétoniques, urobilinogène, bilirubine, estérases leucocytaires, nitrates) |
| 52. Urinalysis, microscopic examination of centrifuged specimen  | 52. Analyse d'urine, examen microscopique d'un échantillon centrifugé   |
| 53. Digoxin  | 53. Digoxine  |
| 54. Folate, in red cells, to include serum folate and hematocrit   | 54. Folate, dans les globules rouges, y compris folate sérique et hématocrite   |
| 55. Estrinol   | 55. Oestrinol   |
| 56. FSH (Pituitary Gonadotrophins)   | 56. Hormone folliculo-stimulante (gonadotrophines hypophysaires)  |
| 57. HCG (Human Chorionic Gonadotrophins)   | 57. Gonadotrophines chorioniques humaines (HCG)   |
| 58. Hepatitis Associated Antigen or Antibody Immunoassay (e.g. hepatitis B surface antigen or antibody, hepatitis B anticore antibody, hepatitis A antibody) | 58. Dosage immunologique des antigènes ou des anticorps associés aux hépatites (par ex. l'antigène de surface de l'hépatite B ou les anticorps anti-HBs, les anticorps anti-HBc ou les anticorps de l'hépatite A)             |
| 59. Aminophylline (Theophylline)   | 59. Aminophylline (théophylline)  |
| 60. Diphenylhydantoin (Phenytoin), Quantitative (Dilantin)   | 60. Dosage de la diphenylhydantoïne (phénytoïne) (Dilantin)   |
| 61. Ferritin   | 61. Ferritine   |
| 62. TSH (Thyroid Stimulating Hormone)  | 62. TSH (thyroïdostimuline)   |
| 63. Vitamin B12  | 63. Vitamine B <sub>12</sub>  |
| 64. Alphafetoprotein screen  | 64. Dépistage de l'alpha-fœtoprotéine   |
| 65. Agglutination Reaction—Screen  | 65. Réaction d'agglutination — dépistage  |
| 66. Fluorescent Antibody Tests (Immunofluorescent Studies), Tests for serum antibodies to tissue and cell components—antinuclear                             | 66. Réaction d'immunofluorescence (technique des anticorps fluorescents), détection des anticorps sériques dans les composants cellulaires et tissulaires — anticorps antinucléaires  |
| 67. Pregnancy Test   | 67. Test de grossesse   |
| 68. Non-cultural direct bacterial antibody or antigen assays by fluorescence, agglutination or ELISA techniques  | 68. Sans culture, dosage direct par fluorescence, agglutination ou technique ELISA des anticorps ou antigènes d'origine bactérienne   |
| 69. Heterophile Antibodies—screen (slide or single tube)—with or without absorption  | 69. Anticorps hétérophiles — dépistage (lamelle ou tube unique), avec ou sans absorption  |
| 70. Virus antibodies—hemagglutination inhibition or ELISA techniques   | 70. Anticorps anti-virus — inhibition de l'hémagglutination ou technique ELISA  |
| 71. Non-cultural indirect antibody or antigen assays by fluorescence, agglutination or ELISA techniques  | 71. Sans culture, dosage indirect par fluorescence, agglutination ou technique ELISA des anticorps ou antigènes   |
| 72. VDRL   | 72. Test VDRL   |
| 73. WBC differential count, any method(s) includes RBC morphology and platelet estimate  | 73. Numération des globules blancs — formule leucocytaire, toutes méthodes, y compris morphologie des globules rouges et estimation du nombre de plaquettes   |
| 74. Bleeding time—Ivy method   | 74. Temps de saignement — méthode Ivy   |

75. Eosinophil count
76. Platelet (thrombocyte) count
77. RBC (ERC) count, excluding manual method
78. Reticulocyte count
79. WBC (LKS) Count, excluding whole blood manual method
80. Hematocrit
81. Hemoglobin
82. Hemoglobin electrophoresis or chromatography to include Hb A<sub>2</sub> fraction
83. Prothrombin time
84. Sickie Cell preparation
85. Partial thromboplastin time
86. Antibody Titre
87. Antibody Screening
88. Blood Group—ABO and Rho (D)
89. Blood Group—ABO and Rh Phenotype
90. Valproic Acid
91. Prolactin
92. Parathyroid Hormone
93. Electrophoresis, serum—including total protein
94. 1,25 Dihydroxy Vitamin D
95. 25 Hydroxy Vitamin D
96. Estradiol

3. This Regulation comes into force on the day section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.

9/98

75. Taux des polynucléaires éosinophiles
76. Numération des plaquettes (thrombocytes)
77. Numération des globules rouges (érythrométrie), sauf numération manuelle
78. Numération des réticulocytes
79. Numération des globules blancs (leucocytémie), sauf numération manuelle du sang entier
80. Hématocrite
81. Hémoglobine
82. Hémoglobine, électrophorèse ou chromatographie, y compris fraction d'Hb A<sub>2</sub>
83. Temps de prothrombine
84. Préparation de cellules falciformes
85. Temps de thromboplastine partiel
86. Titre d'anticorps
87. Dépistage des anticorps
88. Groupe sanguin — ABO et Rho (D)
89. Groupe sanguin — ABO, Rh et phénotype
90. Acide valproïque
91. Prolactine
92. Hormone parathyroïde
93. Électrophorèse sérique, y compris protéines totales
94. 1,25-dihydroxy-vitamine D
95. 25-hydroxy-vitamine D
96. Oestradiol

3. Le présent règlement entre en vigueur le jour de l'entrée en vigueur de l'article 2 de la *Loi de 1997 sur l'extension des services infirmiers à l'intention des patients*.

#### ONTARIO REGULATION 47/98

made under the

#### LABORATORY AND SPECIMEN COLLECTION CENTRE LICENSING ACT

Made: February 11, 1998

Filed: February 13, 1998

Amending Reg. 683 of R.R.O. 1990  
(Specimen Collection Centres)

Note: Regulation 683 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Clause 4 (2) (b) of Regulation 683 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- (b) the names of any of the following persons who requested the taking and collecting of specimens:

#### RÈGLEMENT DE L'ONTARIO 47/98

pris en application de la

#### LOI AUTORISANT DES LABORATOIRES MÉDICAUX ET DES CENTRES DE PRÉLÈVEMENT

pris le 11 février 1998

déposé le 13 février 1998

modifiant le Règl. 683 des R.R.O. de 1990  
(Centres de prélèvement)

Remarque : Le Règlement 683 n'a pas été modifié en 1997 ou en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'alinéa 4 (2) b) du Règlement 683 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

- (b) le nom de chacune des personnes suivantes qui ont demandé la prise et le prélèvement d'échantillons :

- (i) a legally qualified medical practitioner,
- (ii) a dentist,
- (iii) a midwife,
- (iv) a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*.

2. Clause 5 (d) of the Regulation is revoked and the following substituted:

- (d) the centre takes specimens from a patient only at the request of a legally qualified medical practitioner, a dentist, a midwife or a registered nurse who holds an extended certificate of registration under the *Nursing Act, 1991*.

3. This Regulation comes into force on the day section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.

9/98

#### ONTARIO REGULATION 48/98

made under the

#### MEDICAL LABORATORY TECHNOLOGY ACT, 1991

Made: October 17, 1998  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 207/94  
(General)

Note: Ontario Regulation 207/94 has not been amended in 1997. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Ontario Regulation 207/94 is amended by adding the following Part:

#### PART III

#### PERSONS PRESCRIBED TO ORDER TESTS

12. For the purposes of subsection 5 (1) of the Act, the following are prescribed persons:

- 1. A member of the College of Midwives of Ontario.
- 2. A member of the College of Nurses of Ontario who holds an extended certificate of registration under the *Nursing Act, 1991*.

2. This Regulation comes into force on the day that section 2 of the *Expanded Nursing Services for Patients Act, 1997* comes into force.

COUNCIL OF THE COLLEGE OF MEDICAL  
LABORATORY TECHNOLOGISTS OF ONTARIO:

M. A. CECUTTI  
President

SHEILA WOODCOCK  
Registrar

Dated on October 17, 1997.

9/98

- (i) un médecin dûment qualifié,

- (ii) un dentiste,

- (iii) une sage-femme,

- (iv) une infirmière autorisée ou un infirmier autorisé qui est titulaire d'un certificat d'inscription supérieur aux termes de la *Loi de 1991 sur les infirmières et infirmiers*.

2. L'alinéa 5 d) du Règlement est abrogé et remplacé par ce qui suit :

- d) le centre ne prélève d'échantillons sur un malade qu'à la demande d'un médecin dûment qualifié, d'un dentiste, d'une sage-femme ou d'une infirmière autorisée ou d'un infirmier autorisé qui est titulaire d'un certificat d'inscription supérieur aux termes de la *Loi de 1991 sur les infirmières et infirmiers*.

3. Le présent règlement entre en vigueur le jour où l'article 2 de la *Loi de 1997 sur l'extension des services infirmiers à l'intention des patients* entre en vigueur.

#### ONTARIO REGULATION 49/98

made under the

#### PUBLIC HOSPITALS ACT

Made: February 2, 1998  
Approved: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 964 of R.R.O. 1990  
(Classification of Hospitals)

Note: Since January 1, 1997, Regulation 964 has been amended by Ontario Regulations 274/97 and 360/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Item 51 under the heading "Group B Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Item 99 under the heading "Group G Hospitals" in the Schedule to the Regulation is revoked.

ELIZABETH WITMER  
Minister of Health

Dated on February 2, 1998.

9/98

**ONTARIO REGULATION 50/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: February 11, 1998

Filed: February 13, 1998

Amending O. Reg. 63/95  
(Effluent Monitoring and Effluent Limits—  
Organic Chemical Manufacturing Sector)

Note: Ontario Regulation 63/95 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Subsections 36 (1.1) and (1.2) of Ontario Regulation 63/95 are revoked and the following substituted:**

(1.1) Despite subsection (1), the requirements in respect of parameters for analysis required for process effluent and cooling water effluent, set out at page 5 of the Ministry of Environment and Energy publication entitled "Protocol for Conducting a Storm Water Control Study", dated August, 1994 do not apply in relation to the following plants:

1. Cornwall Chemicals Limited.
2. Nova Chemicals Canada Ltd. (Sarnia).
3. Oxychem Durez Canada.
4. RohMax Canada (West Hill).

(1.2) For the purposes of subsection (1), each discharger for Cornwall Chemicals Limited, Nova Chemicals Canada Ltd. (Sarnia), Oxychem Durez Canada and RohMax Canada (West Hill) shall complete a storm water control study using the parameters set out in Column 1 of Schedule 10 for the discharger's plant.

**(2) Subsection 36 (3) of the Regulation is amended by striking out "subsection (4)" in the first line and substituting "subsections (4) and (4.1)".**

**(3) Section 36 of the Regulation is amended by adding the following subsection:**

(4.1) Each discharger for Cornwall Chemicals Limited, Nova Chemicals Canada Ltd. (Sarnia) and RohMax Canada (West Hill) shall complete the storm water control study by February 15, 1999.

**2. Schedules 1 to 11 to the Regulation are revoked and the following substituted:**



## Schedule 1

## LIST OF REGULATED PLANTS

Plant name	Location	Owner as of January 1, 1998
Amoco Canada Petroleum Company Limited (formerly: Amoco Canada Resources Ltd.)	Sarnia	Amoco Canada Petroleum Company Ltd.
BASF Canada Inc.	Arnprior	BASF Canada Inc.
Bayer Inc. (Formerly: Bayer Rubber Inc.)	Sarnia	Bayer Inc.
Celanese Canada Inc.	Millhaven	Celanese Canada Inc.
Chinook Group Limited	Sombra	Chinook Group Limited
Cornwall Chemicals Limited	Cornwall	Cornwall Chemicals Ltd.
Dow Chemical Canada Inc.—LaSalle Road	Sarnia	Dow Chemical Canada Inc.
Dow Chemical Canada Inc.—Scott Road	Sarnia	Dow Chemical Canada Inc.
Dow Chemical Canada Inc.—Vidal Street	Sarnia	Dow Chemical Canada Inc.
Dupont Canada Inc.	Kingston	Dupont Canada Inc.
Dupont Canada Inc.	Maitland	Dupont Canada Inc.
Dupont Canada Inc.	Whitby	Dupont Canada Inc.
Ethyl Canada Inc.	Sarnia	Ethyl Canada Inc.
GE Plastics Canada	Cobourg	General Electric Canada Inc.
Geon Canada Inc.	Niagara Falls	Geon Canada Inc.
Goodyear Canada Inc.	Bowmanville	Goodyear Canada Inc.
Imperial Oil Chemicals Division	Sarnia	Imperial Oil Limited
Morbern Inc.	Cornwall	Morbern Inc.
Nova Chemicals Canada Ltd (formerly: Novacor Chemicals Ltd.)	Corunna	Novacor Chemicals Canada Ltd.
Nova Chemicals Canada Ltd (formerly: Novacor Chemicals Ltd.)	Mooretown	Novacor Chemicals Canada Ltd.
Nova Chemicals Canada Ltd (formerly: Novacor Chemicals Ltd., Petrochemicals Division)	Sarnia	Novacor Chemicals Canada Ltd.
OxyChem Durez Canada	Fort Erie	OxyChem Durez Holding Company Ltd.
RohMax Canada—Morrisburg plant (formerly: Rohm and Haas Canada Inc.)	Morrisburg	RohMax Canada
RohMax Canada—West Hill plant (formerly: Rohm and Haas Canada Inc.)	West Hill	RohMax Canada
Stepan Canada Inc.	Longford Mills	Stepan Canada Inc.
Uniroyal Chemical Ltd.	Elmira	Uniroyal Chemical Ltd.

## Schedule 2

## PROCESS EFFLUENT: DESIGNATED SAMPLING POINTS, LIMITS

PLANT: Amoco Canada Petroleum Company Limited (Sarnia)				
Designated Process Effluent Sampling Point: 0100, API Separator Effluent to River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	D	9.0	3.0
6	Total phosphorus	W	1.2	0.41
8	Total suspended solids	D	17	3.7
9	Aluminum	Q	1.1	-
9	Copper	Q	0.21	-
9	Molybdenum	W	0.38	0.16
9	Zinc	Q	0.17	-
10	Arsenic	Q	0.011	-
12	Mercury	Q	0.0010	-
14	Phenolics (4AAP)	W	0.0067	0.0023
15	Sulphide	W	0.12	0.044
16	1,2-Dichlorobenzene	W	0.16	0.056
17	Benzene	W	0.013	0.0051
25	Oil and grease	W	6.0	4.7

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

**PLANT: Bayer Inc. (Sarnia)****Designated Process Effluent Sampling Points:**

0900, Butyl II Effluent to 66 inch Sewer to River

1300, Butyl Holdup Pond to River

1700, Neutralization Sump to River

1800, Biox Plant Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	264	92
4b	Nitrate + Nitrite	W	390	142
4a	Total Kjeldahl nitrogen	D	230	67
5a	DOC	D	1145	447
6	Total phosphorus	W	69	26
8	Total suspended solids	D	1639	540
9	Aluminum	W	170	57
9	Cobalt	W	0.40	0.28
9	Zinc	W	15	4.9
14	Phenolics (4AAP)	W	0.66	0.27
16	Bromoform	W	1.2	0.37
16	Bromomethane	D	1.4	0.32
16	Chloroform	W	1.2	0.39
16	Chloromethane	D	2.1	0.60
16	Methylene chloride	Q	0.21	-
17	Benzene	W	0.39	0.14
25	Oil and grease	W	251	126

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

## Plant: Celanese Canada Inc. (Millhaven)

Designated Process Effluent Sampling Point:  
0400, Treatment Plant Effluent to Centre Outfall

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant-Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	55	20
4b	Nitrate + Nitrite	W	110	41
4a	Total Kjeldahl nitrogen	D	54	16
5a	DOC	D	57	31
6	Total phosphorus	W	23	8.5
8	Total suspended solids	D	130	39
10	Antimony	W	1.5	0.53
14	Phenolics (4AAP)	W	0.032	0.0080
25	Oil and grease	W	42	14

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Chinook Group Limited (Sombra)

Designated Process Effluent Sampling Point: 0100, Sump Effluent to River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	1.5	0.48
4b	Total Kjeldahl nitrogen	D	3.1	1.1
5a	DOC	D	8.2	3.2
6	Total phosphorus	W	0.52	0.20
8	Total suspended solids	D	7.5	2.4
9	Chromium	W	0.021	0.0079
9	Zinc	W	0.066	0.023
25	Oil and grease	W	0.90	0.34
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Dow Chemical Canada Inc. (Sarnia) - Scott Road

## Designated Process Effluent Sampling Point:

2100, Scott Road Treated Runoff to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Total Kjeldahl Nitrogen	W	1.7	0.62
5a	DOC	D	27	6.1
6	Total phosphorus	W	0.14	0.053
8	Total suspended solids	W	2.6	1.3
9	Aluminum	Q	0.022	-
9	Boron	Q	1.7	-
12	Mercury	Q	0.000042	-
14	Phenolics (4AAP)	W	0.0062	0.0023
15	Sulphide	Q	0.010	-
16	1,1,2-Trichloroethane	W	0.021	0.0065
16	1,1-Dichloroethane	W	0.047	0.015
23	1,2,4-Trichlorobenzene	W	0.0030	0.0011
23	2,4,5-Trichlorotoluene	W	0.00043	0.00020
23	Hexachlorobenzene	Q	0.00010	-
23	Hexachlorobutadiene	W	0.00028	0.00020
23	Hexachloroethane	W	0.00028	0.00020
23	Octachlorostyrene	W	0.00021	0.00020
25	Oil and grease	W	1.8	1.4
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

PLANT: Dow Chemical Canada Inc. (Sarnia) - Vidal Street				
<b>Designated Process Effluent Sampling Points:</b> 1900, Biox Plant Effluent flowing into 4th Street Outfall to St. Clair River 2000, Boiler Feedwater Effluent flowing into 4th Street Outfall to St. Clair River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	140	43
4a	Total Kjeldahl nitrogen	D	78	22
5a	DOC	D	190	73
6	Total phosphorus	W	21	7.0
8	Total suspended solids	D	640	230
9	Aluminum	W	25	8.9
14	Phenolics (4AAP)	W	0.94	0.30
16	1,2-Dichloroethane	W	0.51	0.18
16	1,2-Dichloropropane	W	1.9	0.62
16	Methylene chloride	Q	0.089	-
16	Tetrachloroethylene	W	0.11	0.041
16	Trichloroethylene	Q	0.055	-
16	Vinyl chloride	Q	0.58	-
17	Ethylbenzene	Q	0.055	-
19	Bis (2-chloroisopropyl)ether	Q	0.076	-
23	1,2,4-Trichlorobenzene	W	0.017	0.0056
23	1,2,4,5-Tetrachlorobenzene	W	0.0020	0.00075
23	2,4,5-Trichlorotoluene	W	0.0037	0.0016
23	Hexachlorobenzene	Q	0.0030	-
23	Hexachloroethane	W	0.00052	0.00033
25	Oil and grease	W	180	76
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement



## PLANT: Dupont Canada Inc. (Kingston)

**Designated Process Effluent Sampling Point:**  
0600, Flake Effluent to Catch Tank

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant- Loading Limit
			kg/day	kg/day
	Column 1		Column 3	Column 4
5a	DOC	D	11	7.6
6	Total phosphorus	W	1.3	0.42
8	Total suspended solids	D	43	13
12	Mercury	Q	0.00036	-
14	Phenolics (4AAP)	W	0.0072	0.0035
19	Biphenyl	Q	0.014	-
19	Diphenyl ether	W	0.071	0.029
25	Oil and grease	W	7.5	2.9

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Dupont Canada Inc. (Maitland)

**Designated Process Effluent Sampling Points:**

0300, Wastewater Treatment Plant Effluent to Main Effluent Stream

0400, CFH Effluent to Cribbed Ditch

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant-Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	W	5.5	2.1
4a	Ammonia plus Ammonium	W	140	48
4b	Nitrate + Nitrite	W	110	40
4a	Total Kjeldahl nitrogen	D	320	93
5a	DOC	D	710	360
6	Total phosphorus	W	21	8.0
8	Total suspended solids	D	650	210
9	Chromium	W	1.1	0.46
9	Cobalt	W	0.71	0.23
9	Copper	W	0.28	0.098
9	Vanadium	W	0.58	0.29
10	Arsenic	W	0.89	0.19
14	Phenolics (4AAP)	W	0.29	0.14
16	Tetrachloroethylene	D	1.0	0.61
23	Hexachlorobenzene	Q	0.0053	-
25	Oil and grease	W	120	46
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Ethyl Canada Inc. (Sarnia)

**Designated Process Effluent Sampling Point:**  
0200, Speciality Chemicals Effluent

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4b	Nitrate + Nitrite	W	0.30	0.15
5a	DOC	D	0.30	0.087
6	Total phosphorus	Q	0.0050	-
8	Total suspended solids	D	0.46	0.10
9	Aluminum	D	0.35	0.17
9	Chromium	Q	0.0043	-
9	Lead	D	0.018	0.0035
12	Mercury	Q	0.000017	-
14	Phenolics (4AAP)	W	0.00023	0.000078
16	1,2-Dichloroethane	W	0.0071	0.0028
16	Ethylene dibromide	Q	0.0021	-
17	Toluene	W	0.00047	0.00010
25	Oil and grease	W	0.17	0.13

## PLANT: GE Plastics Canada (Cobourg)

**Designated Process Effluent Sampling Point:**  
0100, Final Filter Effluent to Lake

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	Q	0.024	-
4a	Ammonia plus Ammonium	W	1.2	0.60
4b	Nitrate+Nitrite	W	5.5	2.2
4a	Total Kjeldahl nitrogen	D	4.0	1.2
5a	DOC	D	14	6.9
6	Total phosphorus	W	0.48	0.24
8	Total suspended solids	D	24	12
9	Aluminum	Q	0.74	-
10	Antimony	Q	0.21	-
14	Phenolics (4AAP)	W	0.055	0.022
25	Oil and grease	W	28.2	9.9

## Explanatory Notes:

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

PLANT: Geon Canada Inc. (Niagara Falls)				
Designated Process Effluent Sampling Point: 0100, Final Effluent to River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	Q	0.55	-
4a	Ammonia plus Ammonium	W	21	12
4a	Total Kjeldahl nitrogen	D	38	24
5a	DOC	D	194	126
6	Total phosphorus	W	4	2.9
8	Total suspended solids	D	91	50
9	Aluminum	Q	9.5	-
14	Phenolics (4AAP)	W	0.32	0.10
16	Vinyl chloride	W	0.24	0.091
25	Oil and grease	W	28	16
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Imperial Oil Chemicals Division (Sarnia)

## Designated Process Effluent Sampling Point:

0200, Carbon Contactor

0300, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	117	40
8	Total suspended solids	W	187	60.7
16	Vinyl chloride	D	11	2.4
17	Benzene	W	0.28	0.09
23	Hexachlorobutadiene	Q	0.004	-
25	Oil and grease	W	17.7	8

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: Nova Chemicals Canada Ltd (Corunna)

## Designated Process Effluent Sampling Point:

0200, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	440	220
6	Total phosphorus	Q	22	-
8	Total suspended solids	W	1300	570
9	Aluminum	Q	45	-
14	Phenolics (4AAP)	W	0.75	0.34
17	Toluene	Q	1.3	-
25	Oil and grease	W	460	170

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

**PLANT: Nova Chemicals Canada Ltd (Mooretown)**

**Designated Process Effluent Sampling Point:**  
0100, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	19	11
6	Total phosphorus	W	1.9	1.1
8	Total suspended solids	D	98	34
9	Aluminum	Q	2.6	-
9	Zinc	Q	0.28	-
14	Phenolics (4AAP)	W	0.015	0.0070
25	Oil and grease	W	6.6	3.3

## Explanatory Notes:

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: RohMax Canada (Morrisburg)**

**Designated Process Effluent Sampling Point:**  
0100, Final Outfall to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	D	16	5.0
6	Total Phosphorus	Q	0.65	-
8	Total suspended solids	W	14	6.5
14	Phenolics (4AAP)	W	0.0056	0.0026
17	Toluene	W	0.035	0.013
25	Oil and grease	W	4.8	2.1

## Explanatory Notes:

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: Stepan Canada Inc. (Longford Mills)****Designated Process Effluent Sampling Point:**  
0200, Clarifier Effluent

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	1.2	0.42
4a	Total Kjeldahl nitrogen	D	1.5	0.46
5a	DOC	D	6.2	2.8
6	Total phosphorus	W	0.16	0.061
8	Total suspended solids	D	6.3	2.1
9	Aluminum	W	0.68	0.24
14	Phenolics (4AAP)	W	0.0073	0.0028
16	Carbon tetrachloride	Q	0.0020	-
16	Chloroform	Q	0.0054	-
25	Oil and grease	W	2.2	0.94
27	PCBT	Q	0.040	-

**Explanatory Notes:**

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## Schedule 3

## ANALYTICAL REQUIREMENTS AT PLANTS WITH MORE THAN ONE PROCESS EFFLUENT SAMPLING POINT

PLANT: Bayer Inc. (Sarnia)					
ATG	Parameter	Sampling Points			
		0900	1300	1700	1800
	Column 1	Column 2	Column 3	Column 4	Column 5
4a	Ammonia plus Ammonium	-	-	-	X
4b	Nitrate + Nitrite	-	-	-	X
4a	Total Kjeldahl nitrogen	-	-	X	X
5a	DOC	X	X	X	X
6	Total phosphorus	X	X	X	X
8	Total suspended solids	X	X	X	X
9	Aluminum	X	X	X	X
9	Cobalt	-	-	-	X
9	Zinc	X	X	X	X
14	Phenolics (4AAP)	X	X	X	X
16	Bromoform	-	-	-	X
16	Bromomethane	X	-	-	X
16	Chloroform	X	-	-	X
16	Chloromethane	X	X	-	X
16	Methylene chloride	X	-	-	X
17	Benzene	X	-	-	X
25	Oil and Grease	X	X	X	X

## Explanatory Notes:

ATG Analytical Test Group  
 X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point



## PLANT: Dow Chemical Canada Inc. (Sarnia) - Vidal Street

ATG	Parameter	Sampling Points	
		1900	2000
	Column 1	Column 2	Column 3
4a	Ammonia plus Ammonium	X	-
4a	Total Kjeldahl nitrogen	X	-
5a	DOC	X	X
6	Total phosphorus	X	X
8	Total suspended solids	X	X
9	Aluminum	X	X
14	Phenolics (4AAP)	X	X
16	1,2-Dichloroethane	X	-
16	1,2-Dichloropropane	X	-
16	Methylene chloride	X	-
16	Tetrachloroethylene	X	-
16	Trichloroethylene	X	-
16	Vinyl chloride	X	-
17	Ethylbenzene	X	-
19	Bis (2-chloroisopropyl)ether	X	-
23	1,2,4-Trichlorobenzene	X	-
23	1,2,4,5-Tetrachlorobenzene	X	-
23	2,4,5-Trichlorotoluene	X	-
23	Hexachlorobenzene	X	-
23	Hexachloroethane	X	-
25	Oil and Grease	X	X
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	X	X
	2,3,7,8-tetrachlorodibenzofuran	X	X
	TEQ	X	X

## Explanatory Notes:

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

## PLANT: Dupont Canada Inc. (Maitland)

ATG	Parameter	Sampling Points	
		0300	0400
	Column 1	Column 2	Column 3
2	Cyanide Total	X	-
4a	Ammonia plus Ammonium	X	-
4b	Nitrate + Nitrite	X	-
4a	Total Kjeldahl nitrogen	X	-
5a	DOC	X	X
6	Total phosphorus	X	X
8	Total suspended solids	X	X
9	Chromium	X	-
9	Cobalt	X	-
9	Copper	X	-
9	Vanadium	X	-
10	Arsenic	-	X
14	Phenolics (4AAP)	X	X
16	Tetrachloroethylene	-	X
23	Hexachlorobenzene	-	X
25	Oil and grease	X	X
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	X	-
	2,3,7,8-tetrachlorodibenzofuran	X	-
	TEQ	X	-

## Explanatory Notes:

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

## PLANT: Imperial Oil Chemicals Division (Sarnia)

ATG	Parameter	Sampling Points	
		200	300
	Column 1	Column 2	Column 3
5a	DOC	X	-
8	Total suspended solids	X	-
16	Vinyl chloride	-	X
17	Benzene	X	-
23	Hexachlorobutadiene	X	-
25	Oil and Grease	X	-

## Explanatory Notes:

ATG Analytical Test Group  
 X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

## Schedule 4

PROCESS EFFLUENT BATCH: DESIGNATED SAMPLING POINTS,  
LIMITS, MONITORING FREQUENCY

PLANT: Dow Chemical Canada Inc. (Sarnia) - La Salle Road			
Designated Process Effluent Batch Sampling Points: 2300, La Salle Road Site - East Pond to Talfourd Creek			
ATG	Parameter	Monitoring Frequency	Batch Loading Limit
			kg/batch
	Column 1	Column 2	Column 3
5a	DOC	B	130
6	Total phosphorus	B	3.8
8	Total suspended solids	B	160
14	Phenolics (4AAP)	B	0.090
25	Oil and grease	B	12

## Explanatory Notes:

ATG      Analytical Test Group  
 kg/batch   kilograms per batch  
 B      Batch monitoring requirement

## PLANT: Ethyl Canada Inc. (Sarnia)

## Designated Process Effluent Batch Sampling Point:

0300, TEL Unit Effluent

ATG	Parameter	Monitoring Frequency	Batch Loading Limit
			kg/batch
	Column 1	Column 2	Column 3
5a	DOC	B	7.3
6	Total phosphorus	B	0.28
8	Total suspended solids	B	11
9	Aluminum	B	7.4
9	Boron	B	4.68
9	Lead	B	1.60
9	Zinc	B	0.18
12	Mercury	B	0.0013
13	Total Alkyl Lead	B	1.1
14	Phenolics (4AAP)	B	0.015
15	Sulphide	B	0.15
16	1,2-Dichloroethane	B	0.21
16	Ethylene dibromide	B	0.11
16	Methylene chloride	B	0.030
17	Toluene	B	0.0046
19	1-Methylnaphthalene	B	0.027
19	2-Methylnaphthalene	B	0.026
19	Acenaphthene	B	0.0090
19	Biphenyl	B	0.0085
19	Fluorene	B	0.0081
19	Indole	B	0.67
19	Naphthalene	B	0.013
19	Phenanthrene	B	0.0064
25	Oil and grease	B	8.2

## Explanatory Notes:

ATG Analytical Test Group  
 kg/batch kilograms per batch  
 B Batch monitoring requirement

## Schedule 5

## MERGED EFFLUENT: DESIGNATED SAMPLING POINTS, MONITORING FREQUENCY

PLANT: Bayer Inc. (Sarnia)		
Designated Merged Effluent Sampling Point: 0400, 66 inch Sewer to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

PLANT: Celanese Canada Inc. (Millhaven)		
Designated Merged Effluent Sampling Point: 0100, Centre Outfall to Lake		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

PLANT: Dow Chemical Canada Inc. (Sarnia) - Vidal Street		
Designated Merged Effluent Sampling Point: 0900, 4th Street Outfall to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W

PLANT: Dupont Canada Inc. (Kingston)		
Designated Merged Effluent Sampling Point: 1100, Catch Tank Effluent to Lake		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
19	Diphenyl ether	W

## Explanatory Notes:

ATG      Analytical Test Group  
W      Weekly monitoring requirement

**PLANT: Dupont Canada Inc. (Maitland)****Designated Merged Effluent Sampling Point:**

1100, Site Effluent to River

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W
25	Oil and Grease	W

**PLANT: Ethyl Canada Inc. (Sarnia)****Designated Merged Effluent Sampling Point:**

0100, Final Effluent to River

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W
25	Oil and Grease	W

**PLANT: Imperial Oil Chemicals Division (Sarnia)****Designated Merged Effluent Sampling Point:**

0300, Final Effluent to River

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics	W
17	Benzene	W
17	Toluene	W
23	Hexachlorobutadiene	W
25	Oil and Grease	W

## Explanatory Notes:

ATG      Analytical Test Group  
W      Weekly monitoring requirement

## Schedule 6

## COOLING WATER EFFLUENT: DESIGNATED SAMPLING POINTS, MONITORING FREQUENCY

PLANT: BASF Canada Inc. (Arnprior)		
<b>Designated Cooling Water Effluent Sampling Point:</b> 0100, Storm Discharge to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
6	Total phosphorus	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W

PLANT: Bayer Inc. (Sarnia)		
<b>Designated Cooling Water Effluent Sampling Points:</b> 0200, 72 inch Sewer to River 0500, 54 inch Sewer to River 1400, Turbine Cooling Water to River 2100, NBR Cooling Water to Cole Drain 2200, BE-2 Cooling Water to Cole Drain		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

PLANT: Celanese Canada Inc. (Millhaven)		
<b>Designated Cooling Water Effluent Sampling Point:</b> 0200, West Outfall to Lake		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

PLANT: Dow Chemical Canada Inc. (Sarnia) - Vidal Street		
<b>Designated Cooling Water Effluent Sampling Points:</b> 0600, 2nd Street Outfall to River 0700, 3rd Street Outfall to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W

## Explanatory Notes:

ATG      Analytical Test Group  
W      Weekly monitoring requirement

**PLANT: Dupont Canada Inc. (Kingston)**

**Designated Cooling Water Effluent Sampling Point:**  
0700, Service Sewer to Lake

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
19	Diphenyl ether	W

**PLANT: Dupont Canada Inc. (Whitby)**

**Designated Effluent Sampling Point:**  
1000, Cooling Water Ditch at Pellet Pond

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

## Explanatory Notes:

ATG Analytical Test Group  
W Weekly monitoring requirement

**PLANT: GE Plastics Canada (Cobourg)**

**Designated Cooling Water Effluent Sampling Point:**  
0400, Cooling Water to Lake

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W
25	Oil and Grease	W

**PLANT: Goodyear Canada Inc. (Bowmanville)**

**Designated Cooling Water Effluent Sampling Points:**  
0200 Final Outfall

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W

## Explanatory Notes:

ATG Analytical Test Group  
kg/day kilograms per day  
W Weekly monitoring requirement



**PLANT: Morbern Inc. (Cornwall)****Designated Cooling Water Effluent Sampling Point:**

0100, East Cooling Water to River

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
6	Total phosphorus	W
8	Total suspended solids	W
9	Aluminum	W
9	Zinc	W
14	Phenolics (4AAP)	W
25	Oil and grease	W

**PLANT: Stepan Canada Inc. (Longford Mills)****Designated Cooling Water Effluent Sampling Point:**

0100, Cooling Water to Lake

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
6	Total phosphorus	W
8	Total suspended solids	W

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 W Weekly monitoring requirement

**PLANT: Uniroyal Chemical Ltd. (Elmira)****Designated Cooling Water Effluent Sampling Points:**

0200, Outfall #2 to Canagagigue Creek

0800, Shirt Factory Creek from Site

ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
5a	DOC	W
8	Total suspended solids	W
14	Phenolics (4AAP)	W
25	Oil and Grease	W

**Explanatory Notes:**

ATG Analytical Test Group  
 W Weekly monitoring requirement

## Schedule 7

## ACUTE LETHALITY : SAMPLING POINTS

Plant Name	Sampling Point - Number and Description
Amoco Canada Petroleum Company Limited (Sarnia)	0100 , API Separator Effluent to River (Process Effluent)
BASF Canada Inc. (Arnprior)	0100 , Storm Discharge to River (Cooling Water)
Bayer Inc. (Sarnia)	0200 , 72 inch Sewer to River (Cooling Water) 0400 , 66 inch Sewer to River (Merged Effluent) 0500 , 54 inch Sewer to River (Cooling Water) 1300 , Butyl Holdup Pond to River (Process Effluent) 1400 , Turbine Cooling Water to River (Cooling Water) 1700 , Neutralization Sump to River (Process Effluent) 1800 , Biox Plant Effluent to River (Process Effluent) 2100 , NBR Cooling Water to Cole Drain (Cooling Water) 2200 , BE-2 Cooling Water to Cole Drain (Cooling Water)
Celanese Canada Inc. (Millhaven)	0100 , Centre Outfall to Lake (Merged Effluent) 0200 , West Outfall to Lake (Cooling Water)
Chinook Group Limited (Sombra)	0100 , Sump Effluent to River (Process Effluent)
Dow Chemical Canada Inc. (Sarnia) - Vidal Street	0600 , 2nd Street Outfall to River (Cooling Water) 0700 , 3rd Street Outfall to River (Cooling Water) 0900 , 4th Street Outfall to River (Merged Effluent)
Dow Chemical Canada Inc. (Sarnia) - Scott Road	2100 , Scott Road Treated Runoff to River (Process Effluent)
Dow Chemical Canada Inc. (Sarnia) - La Salle Road	2300 , La Salle Road Site - East Pond to Talfourd Creek (Process Effluent Batch)
Dupont Canada Inc. (Kingston)	0700 , Service Sewer to Lake (Cooling Water) 1100 , Catch Tank Effluent to Lake (Merged Effluent)
Dupont Canada Inc. (Maitland)	1100 , Site Effluent to River (Merged Effluent)
Dupont Canada Inc. (Whitby)	1000 , Cooling Water Ditch at Pellet Pond (Cooling Water)
Ethyl Canada Inc. (Sarnia)	0100 , Final Effluent to River (Merged Effluent)
GE Plastics Canada (Cobourg)	0100 , Clarifier Effluent to Lake (Process Effluent) 0400 , Cooling Water to Lake (Cooling Water)
Geon Canada Inc. (Niagara Falls)	0100 , Final Effluent to River (Process Effluent)
Goodyear Canada Inc. (Bowmanville)	0200 , Final Outfall (Cooling Water)
Imperial Oil Chemicals Division (Sarnia)	0300 , Final Effluent to River (Merged Effluent)
Morbern Inc. (Cornwall)	0100 , East Cooling Water to River (Cooling Water)
Novacor Chemicals Canada Ltd. (Corunna)	0200 , Final Effluent to River (Process Effluent)
Novacor Chemicals Canada Ltd. (Mooretown)	0100 , Final Effluent to River (Process Effluent)
RohMax Canada (Morrisburg)	0100 , Final Outfall to River (Process Effluent)
Stepan Canada Inc. (Longford Mills)	0100 , Cooling Water to Lake (Cooling Water) 0200 , Clarifier Effluent (Process Effluent)
Uniroyal Chemical Ltd. (Elmira)	0200 , Outfall #2 to Canagagigue Creek (Cooling Water) 0800 , Shirt Factory Creek from Site (Cooling Water)

## Schedule 8

## ACUTE LETHALITY TESTING : SAMPLING POINTS

Plant Name	Sampling Point - Number and Description
Bayer Inc. (Sarnia)	0900 , Butyl II Effluent to 66 inch Sewer
Celanese Canada Inc. (Millhaven)	0400 , Treatment Plant Effluent to Centre Outfall
Dow Chemical Canada Inc. (Sarnia) - Vidal Street	1900 , Biox Plant Effluent to 4th Street Outfall
Dupont Canada Inc. (Kingston)	0600 , Flake Effluent to Catch Tank
Dupont Canada Inc. (Maitland)	0300 , Wastewater Treatment Plant Effluent to Main Effluent Stream 0400 , CFH Effluent to Cribbed Ditch
Ethyl Canada Inc. (Sarnia)	0200 , Specialty Chemicals Effluent 0300 , TEL Unit Effluent
Imperial Oil Chemicals Division (Sarnia)	0200 , Carbon Contactor

## Schedule 9

## CHRONIC TOXICITY TESTING : SAMPLING POINTS

Plant Name	Sampling Point - Number and Description
Amoco Canada Petroleum Company Limited (Sarnia)	0100 , API Separator Effluent to River (Process Effluent)
Bayer Inc. (Sarnia)	0400 , 66 inch Sewer to River (Merged Effluent) 1300 , Butyl Holdup Pond to River (Process Effluent) 1700 , Neutralization Sump to River (Process Effluent) 1800 , Biox Plant Effluent to River (Process Effluent)
Celanese Canada Inc. (Millhaven)	0100 , Centre Outfall to Lake (Merged Effluent)
Chinook Group Limited (Sombra)	0100 , Sump Effluent to River (Process Effluent)
Dow Chemical Canada Inc. (Sarnia) - Vidal Street	0900 , 4th Street Outfall to River (Merged Effluent)
Dow Chemical Canada Inc. (Sarnia) - Scott Road	2100 , Scott Road Treated Runoff to River (Process Effluent)
Dow Chemical Canada Inc. (Sarnia) - La Salle Road	2300 , La Salle Road Site - East Pond to Talfourd Creek (Process Effluent Batch)
Dupont Canada Inc. (Kingston)	1100 , Catch Tank Effluent to Lake (Merged Effluent)
Dupont Canada Inc. (Maitland)	1100 , Site Effluent to River (Merged Effluent)
Ethyl Canada Inc. (Sarnia)	0100 , Final Effluent to River (Merged Effluent)
GE Plastics Canada (Cobourg)	0100 , Clarifier Effluent to Lake (Process Effluent)
Geon Canada Inc. (Niagara Falls)	0100 , Final Effluent to River (Process Effluent)
Imperial Oil Chemicals Division (Sarnia)	0300 , Final Effluent to River (Process Effluent)
Nova Chemicals Canada Ltd. (Corunna)	0200 , Final Effluent to River (Process Effluent)
Nova Chemicals Canada Ltd. (Mooretown)	0100 , Final Effluent to River (Process Effluent)
RohMax Canada (Morrisburg)	0100 , Final Outfall to River (Process Effluent)
Stepan Canada Inc. (Longford Mills)	0200 , Clarifier Effluent (Process Effluent)

## Schedule 10

## STORM WATER CONTROL STUDY PARAMETERS

PLANT: Cornwall Chemicals Ltd, (Cornwall)	
ATG	Parameter
	Column 1
5a	Dissolved Organic Carbon
6	Total phosphorus
8	Total suspended solids
9	Aluminum
9	Nickel
9	Zinc
12	Mercury
15	Sulphide
16	Carbontetrachloride
23	Hexachloroethane
25	Oil and Grease
24	2,3,7,8-tertachlorodibenzo-para-dioxin
	2,3,7,8-tetrachlorodibenzofuran
	TEQ

PLANT: Nova Chemicals Canada Ltd. (Sarnia)	
ATG	Parameter
	Column 1
5a	Dissolved Organic Carbon
8	Total suspended solids
9	Aluminum
14	Phenolics (4AAP)
17	Benzene
17	Ethylbenzene
17	Toluene
25	Oil and Grease

PLANT: OxyChem Durez (Fort Erie)	
ATG	Parameter
	Column 1
3	pH
4a	Ammonia plus Ammonium
5a	Dissolved Organic Carbon
6	Total phosphorus
8	Total suspended solids
9	Aluminum Chromium Zinc
14	Phenolics (4AAP)
25	Oil and Grease

Explanatory Notes:

ATG      Analytical Test Group

PLANT: RohMax Canada (West Hill)	
ATG	Parameter
	Column 1
4b	Nitrate plus Nitrite
5a	Dissolved Organic Carbon
8	Total suspended solids
9	Aluminum Boron Molybdenum
14	Phenolics (4AAP)
25	Oil and Grease

Explanatory Notes:

ATG      Analytical Test Group

## Schedule 11

## REFERENCE MATERIALS

Plant Name	Materials
Amoco Canada Petroleum Company Limited	•Propane •Isobutane •n-Butane •Hydrocarbon Condensate
Bayer Inc.	•Butadiene Rubbers •Specialty Rubbers
Celanese Canada Inc.	•Polyester Staple Fibre
Chinook Group Limited	•Alkyl Amines •Dimethyl Formamide •Choline Chloride
Cornwall Chemicals Limited	•Carbon Disulphide •Carbon Tetrachloride
Dow Chemical Canada Inc. (Sarnia) - Vidal Street	•Ethylbenzene •Styrene •Polystyrene •Polyethylene •Acrylic Latex •Epoxy Resins •Propylene Oxide Derivatives
Dupont Canada Inc. (Kingston)	•Nylon 66 Yarn •Nylon 66 Resin
Dupont Canada Inc. (Maitland)	•Adipic Acid •Hexamethylene Diamine •Dichlorotrifluoroethane (HCFC-123)
Ethyl Canada Inc.	•Tetraethyl Lead •Aluminum Alkyls •Diesel Ignition Improvers
GE Plastics Canada	Various resin plastics in pellet form including: •Acrylonitrile-Butadiene-Styrene (ABS) •Polycarbonate •ABS/Polycarbonate •Polybutylene Terephthalate (PBT) •Polybutylene Terephthalate (PBT)/Polycarbonate •Polyphenylene Oxide (PPO)Polystyrene •Polyetherimide
Geon Canada Inc.	•Polyvinyl Chloride (PVC) Resins
Imperial Oil Chemicals Division	•Polyvinyl Chloride (PVC) Resins •Polyethylene Resins •Aromatics Feed
Nova Chemicals Canada Ltd. (Corunna)	•Polyethylene
Nova Chemicals Canada Ltd. (Mooretown)	•Polyethylene
RohMax Canada - Morrisburg	•Petroleum Additives
Stepan Canada Inc.	•Surfactants

**ONTARIO REGULATION 51/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 64/95  
(Effluent Monitoring and Effluent Limits—  
Inorganic Chemical Sector)

Note: Ontario Regulation 64/95 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Schedules 1 to 11 to Ontario Regulation 64/95 are revoked and the following substituted:**

**Schedule 1**

**LIST OF REGULATED PLANTS**

Plant Name	Location	Owner as of January 1, 1998
Albright & Wilson Americas Inc.	Port Maitland	Albright & Wilson Americas Inc.
AlliedSignal	Amherstburg	AlliedSignal Canada Inc.
Cabot Canada Ltd.	Sarnia	Cabot Canada Ltd.
Columbian Chemicals Canada Ltd.	Hamilton	Columbian Chemicals Canada Ltd.
Cytec Canada Inc.	Niagara Falls	Cytec Canada Inc.
The Exolon-ESK Company of Canada, Ltd.	Niagara Falls	The Exolon-ESK Company of Canada Ltd.
ETI Explosives Technologies International (Canada), Ltd.	North Bay	ETI Explosives Technologies International (Canada), Ltd.
General Chemical Canada Ltd.	Amherstburg	General Chemical Canada Ltd.
Hydro-Agri (formerly: Nutrite Inc.)	Maitland	Hydro Agri Canada
ICI Canada Inc.	Cornwall	ICI Canada Inc.
ICI Canada Inc. - Conpak	Cornwall	ICI Canada Inc.
International Minerals & Chemical Corporation (Canada) Limited	Port Maitland	International Minerals & Chemical Corporation (Canada) Limited
Liquid Carbonic Inc.	Maitland	Liquid Carbonic Inc.
Norton Advanced Ceramics of Canada Inc.	Niagara Falls	Norton Advanced Ceramics of Canada Inc.
Partek Insulations Ltd.	Sarnia	Partek Insulations Ltd.
Praxair Canada Inc.	Mooretown	Praxair Canada Inc.
Praxair Canada Inc.	Sarnia	Praxair Canada Inc.
Praxair Canada Inc.	Sault Ste. Marie	Praxair Canada Inc.
Puritan Bennett Corporation	Maitland	Puritan-Bennett Canada Ltd.
Sulco Chemicals Limited	Elmira	Sulco Chemicals Limited
Terra International (Canada) Inc.	Courtright	Terra International (Canada) Inc.
UCAR Inc.	Welland	UCAR Inc.
Washington Mills Electro Minerals Corporation	Niagara Falls	Washington Mills Electro Minerals Corporation
Washington Mills Limited	Niagara Falls	Washington Mills Limited
Welland Chemical Limited	Sarnia	Welland Chemical Limited

## Schedule 2

## PROCESS EFFLUENT: DESIGNATED SAMPLING POINTS, LIMITS, MONITORING FREQUENCY

## PLANT: Albright &amp; Wilson Americas Inc. (Port Maitland)

## Designated Process Effluent Sampling Point:

0100, Final Discharge to Canal

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	210	30
6	Total phosphorus	D	2.4	0.93
8	Total suspended solids	D	170	48
12	Mercury	Q	0.0025	-
14	Phenolics	W	0.12	0.048

## Explanatory Notes:

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

## PLANT: Cabot Canada Ltd. (Sarnia)

## Designated Process Effluent Sampling Point:

0100, Discharge from Filter Bed to Cole Drain

ATG	Parameter	Monitoring Frequency	Daily Plan Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4b	Nitrate+Nitrite	Q	3.2	-
5a	DOC	W	29	10
6	Total phosphorus	Q	0.87	-
8	Total suspended solids	D	48	15
9	Aluminum	W	3.5	2.2
9	Zinc	Q	1.4	-
25	Oil and grease	Q	17	-
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement



PLANT: Cytex Canada Inc. (Niagara Falls)				
Designated Process Effluent Sampling Point: 0400, Sludge Pond to Final Discharge				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	W	0.13	0.05
4a	Ammonia plus Ammonium	W	10	3.4
4b	Nitrate+Nitrite	W	32	10
4a	Total Kjeldahl nitrogen	W	9.7	3.6
5a	DOC	W	75	27
6	Total phosphorus	D	5.0	1.9
8	Total suspended solids	D	150	21
17	Toluene	W	0.12	0.046
25	Oil and grease	Q	8.4	-
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

PLANT: The Exolon-ESK Company of Canada, Ltd. (Niagara Falls)				
Designated Process Effluent Sampling Point: 0100, 24 Inch Outfall at Beaver Dam Road				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	99	14
6	Total phosphorus	W	2.8	1.0
8	Total suspended solids	D	160	79
9	Aluminum	W	2.6	1.1

## Explanatory Notes:

ATG	Analytical Test Group
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

## PLANT: General Chemical Canada Ltd. (Amherstburg)

## Designated Process Effluent Sampling Points:

0100, North Drain Effluent to Detroit River

0200, Main Drain Effluent to Detroit River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	Q	6.3	-
4a	Ammonia plus Ammonium	D	2900	650
4b	Nitrate+Nitrite	Q	750	-
4a	Total Kjeldahl nitrogen	W	2400	890
5a	DOC	W	2900	1200
6	Total phosphorus	Q	64	-
8	Total suspended solids	D	43,000	11,000
9	Molybdenum	Q	10	-
10	Arsenic	Q	5.2	-
12	Mercury	Q	0.026	-
15	Sulphide	Q	6.3	-
16	Chloroform	Q	0.24	-
25	Oil and grease	Q	1400	-
30	Chloride	W	1,360,000	1,100,000
30	Fluoride	W	131	95
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

**PLANT: Hydro Agri Maitland (formerly Nutrite Inc.) Maitland****Designated Process Effluent Sampling Point:**  
0400, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	D	82	26
4b	Nitrate+Nitrite	D	80	27
4a	Total Kjeldahl nitrogen	D	83	27
5a	DOC	W	28	15
6	Total phosphorus	W	5.5	1.1
8	Total suspended solids	D	128	28
9	Aluminum	W	2.1	0.38
9	Copper	Q	0.14	-
9	Vanadium	Q	1.21	-
9	Zinc	W	0.14	0.03
12	Mercury	Q	0.0006	-
14	Phenolics (4AAP)	W	0.0087	0.0045
16	Tetrachloroethylene	Q	0.16	-
25	Oil and grease	W	12	5
27	PCBT	Q	0.00036	-
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

**Explanatory Notes:**

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

PLANT: ICI Canada Inc. (Cornwall)				
Designated Process Effluent Sampling Point: 0400, Effluent in Manhole #15 to LEL-2				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4b	Nitrate+Nitrite	Q	0.90	-
5a	DOC	W	9.6	4.2
6	Total phosphorus	Q	1.1	-
8	Total suspended solids	D	24	4.3
9	Aluminum	W	0.43	0.078
9	Copper	Q	0.016	-
9	Lead	Q	0.23	-
9	Nickel	Q	0.010	-
9	Zinc	Q	0.056	-
10	Arsenic	Q	0.0050	-
12	Mercury	D	0.0058	0.0012
14	Phenolics (4AAP)	Q	0.0042	-
23	1,2,4-Trichlorobenzene	W	0.00034	0.00013
23	Hexachlorobenzene	W	0.00016	0.000060
23	Hexachlorobutadiene	W	0.00029	0.00010
23	Hexachloroethane	W	0.0011	0.00040
23	Octachlorostyrene	Q	0.000070	-
23	Pentachlorobenzene	Q	0.000010	-
25	Oil and grease	Q	6.7	-
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

PLANT: ICI Canada Inc. - Conpak (Cornwall)				
Designated Process Effluent Sampling Point: 0100, Effluent from Conpak to River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	0.55	0.19
4b	Nitrate+Nitrite	W	1.3	0.29
4a	Total Kjeldahl nitrogen	W	0.55	0.21
5a	DOC	W	2.7	0.57
6	Total phosphorus	W	0.29	0.044
8	Total suspended solids	D	6.7	1.1
9	Aluminum	W	0.27	0.042
9	Cadmium	W	0.00046	0.00011
9	Chromium	W	0.055	0.0087
9	Copper	W	0.013	0.0023
9	Lead	W	0.027	0.0034
9	Nickel	W	0.12	0.0023
9	Zinc	W	0.0019	0.00038
10	Selenium	Q	0.0027	-
12	Mercury	W	0.00057	0.00011
14	Phenolics (4AAP)	W	0.0012	0.00032
16	Carbon tetrachloride	W	0.0055	0.0021
16	Chloroform	W	0.015	0.00030
23	Hexachlorobenzene	W	0.000076	0.000019
23	Hexachloroethane	W	0.00038	0.00013
25	Oil and grease	Q	1.3	-
30	Chloride	W	323	82
30	Sulphate	W	228	34
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement

**PLANT: International Minerals & Chemical Corporation (Canada) (Port Maitland)**

**Designated Process Effluent Sampling Point:**  
0300, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	Q	41	-
4b	Nitrate+Nitrite	Q	25	-
4a	Total Kjeldahl nitrogen	Q	30	-
5a	DOC	Q	68	-
6	Total phosphorus	D	7.9	4.5
8	Total suspended solids	D	250	51
14	Phenolics (4AAP)	Q	0.16	-
25	Oil and grease	Q	10	-
30	Fluoride	D	76	57
30	Sulphate	Q	13,000	-

**PLANT: Liquid Carbonic Inc. (Maitland)**

**Designated Process Effluent Sampling Point:**  
0100, Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Nitrate + Nitrite	W	22	15
5a	DOC	W	190	46
6	Total phosphorus	Q	0.87	-
8	Total suspended solids	D	44	22
25	Oil and grease	W	35	13

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: Norton Advanced Ceramics of Canada Inc. (Niagara Falls)****Designated Process Effluent Sampling Points:**

0300, Sewer C to Welland River

0400, Sewer D to Welland River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	34	16
6	Total phosphorus	Q	2.4	-
8	Total suspended solids	D	450	100
9	Aluminum	W	15	3.9
25	Oil and grease	Q	24	-
30	Sulphate	W	1900	770

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: Praxair Canada Inc. (Mooretown)****Designated Process Effluent Sampling Point:**

0100, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	1.1	0.17
6	Total phosphorus	W	0.095	0.015
8	Total suspended solids	D	0.90	0.14
9	Aluminum	W	0.014	0.0052
9	Copper	Q	0.0038	-
9	Zinc	W	0.020	0.0066
25	Oil and grease	W	0.11	0.047
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

**Explanatory Notes:**

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

PLANT: Praxair Canada Inc. (Sarnia)				
Designated Process Effluent Sampling Point: 0100, Effluent from Cooling Towers to Cole Drain				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	1.3	0.42
6	Total phosphorus	W	0.24	0.043
8	Total suspended solids	D	2.8	0.46
9	Aluminum	W	0.058	0.022
9	Copper	W	0.0070	0.0031
9	Zinc	W	0.013	0.0065
25	Oil and grease	W	0.33	0.14
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

PLANT: Praxair Canada Inc. (Sault Ste. Marie)				
Designated Process Effluent Sampling Point: 0100, Outfall at Safety Drive to River				
ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	9.0	2.9
6	Total phosphorus	W	1.7	0.30
8	Total suspended solids	D	20	3.3
9	Aluminum	W	0.42	0.15
9	Copper	W	0.045	0.020
9	Zinc	W	0.090	0.046
25	Oil and grease	W	2.1	0.92
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	Q		
	2,3,7,8-tetrachlorodibenzofuran	Q		
	TEQ	Q		

## Explanatory Notes:

ATG	Analytical Test Group
TEQ	total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners
kg/day	kilograms per day
D	Daily monitoring requirement
W	Weekly monitoring requirement
Q	Quarterly monitoring requirement



**PLANT: Puritan Bennett Corporation (Maitland)****Designated Process Effluent Sampling Point:**  
0100, Effluent to Creek

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	W	3.9	1.3
4b	Nitrate+Nitrite	W	2.9	1.8
4a	Total Kjeldahl nitrogen	W	3.1	1.2
5a	DOC	W	1.6	1.0
6	Total phosphorus	Q	0.11	-
8	Total suspended solids	D	5.4	2.7

**PLANT: Sulco Chemicals Limited (Elmira)****Designated Process Effluent Sampling Point:**  
0100, Final Effluent to Creek

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
2	Cyanide Total	Q	0.014	-
5a	DOC	W	1.4	0.63
6	Total phosphorus	W	0.20	0.082
8	Total suspended solids	D	2.9	1.2
9	Aluminum	Q	0.085	-
9	Cadmium	Q	0.0016	-
9	Copper	Q	0.013	-
9	Nickel	Q	0.022	-
9	Vanadium	Q	0.040	-
9	Zinc	Q	0.075	-
10	Arsenic	Q	0.0014	-
14	Phenolics (4AAP)	Q	0.0024	-
25	Oil and grease	Q	0.96	-
30	Chloride	W	270	140
30	Fluoride	W	1.6	0.42
30	Sulphate	W	610	150

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: Terra International (Canada) Inc. (Courtright)****Designated Process Effluent Sampling Points:**

0500, Effluent from 30 inch concrete pipe flowing into Plant Final Discharge to St. Clair River

0700, Effluent in Manhole #55 flowing into Plant Final Discharge to St. Clair River

0800, Effluent in 42 inch Line from A-11 flowing into Plant Final Discharge to St. Clair River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
4a	Ammonia plus Ammonium	D	290	140
4b	Nitrate+Nitrite	D	650	150
4a	Total Kjeldahl nitrogen	D	540	250
5a	DOC	W	1100	510
6	Total phosphorus	Q	46	-
8	Total suspended solids	D	3500	880
9	Aluminum	Q	8.9	-
9	Zinc	Q	12	-
14	Phenolics (4AAP)	W	7.4	2.6
30	Fluoride	Q	4.0	-
30	Sulphate	Q	2700	-

**PLANT: Washington Mills Electro Minerals Corporation (Niagara Falls)****Designated Process Effluent Sampling Points:**

0100, Effluent from Queen Lagoon to Welland River

0200, Effluent from the Old Lagoon to Welland River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	81	33
6	Total phosphorus	Q	2.2	-
8	Total suspended solids	D	395	127
9	Aluminum	W	6.1	2.7
25	Oil and grease	Q	19	-

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

**PLANT: Washington Mills Limited (Niagara Falls)****Designated Process Effluent Sampling Point:**  
0100, Final Effluent to River

ATG	Parameter	Monitoring Frequency	Daily Plant Loading Limit	Monthly Average Plant Loading Limit
			kg/day	kg/day
	Column 1	Column 2	Column 3	Column 4
5a	DOC	W	24	7.8
6	Total phosphorus	Q	0.58	-
8	Total suspended solids	D	60	18
9	Aluminum	W	3.0	1.1
25	Oil and grease	W	14	5.8

**Explanatory Notes:**

ATG Analytical Test Group  
 kg/day kilograms per day  
 D Daily monitoring requirement  
 W Weekly monitoring requirement  
 Q Quarterly monitoring requirement

## Schedule 3

## ANALYTICAL REQUIREMENTS AT PLANTS WITH MORE THAN ONE PROCESS EFFLUENT SAMPLING POINT

PLANT: General Chemical Canada Ltd. (Amherstburg)			
ATG	Parameter	Control Points	
		0100	0200
	Column 1	Column 2	Column 3
2	Cyanide Total	-	X
4a	Ammonia plus Ammonium	X	X
4b	Nitrate+Nitrite	-	X
4a	Total Kjeldahl nitrogen	X	X
5a	DOC	X	X
6	Total phosphorus	X	X
8	Total suspended solids	X	X
9	Molybdenum	X	-
10	Arsenic	X	-
12	Mercury	X	-
15	Sulphide	X	-
16	Chloroform	X	-
25	Oil and grease	X	X
30	Chloride	X	X
30	Fluoride	X	-
24	2,3,7,8-tetrachlorodibenzo-para-dioxin	X	X
	2,3,7,8-tetrachlorodibenzofuran	X	X
	TEQ	X	X

## Explanatory Notes:

ATG Analytical Test Group  
 TEQ total toxic equivalent of 2,3,7,8 substituted dioxin and furan congeners  
 X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

**PLANT: Norton Advanced Ceramics of Canada Inc. (Niagara Falls)**

ATG	Parameter	Control Points	
		0300	0400
	Column 1	Column 2	Column 3
5a	DOC	X	X
6	Total phosphorus	X	X
8	Total suspended solids	X	X
9	Aluminum	X	X
25	Oil and grease	X	X
30	Sulphate	X	-

**Explanatory Notes:**

ATG Analytical Test Group  
X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

**PLANT: Washington Mills Electro Minerals Corporation (Niagara Falls)**

ATG	Parameter	Control Points	
		0100	0200
	Column 1	Column 2	Column 3
5a	DOC	X	X
6	Total phosphorus	X	X
8	Total suspended solids	X	X
9	Aluminum	X	X
25	Oil and grease	X	X

**Explanatory Notes:**

ATG Analytical Test Group  
X means that the corresponding parameter in Column 1 is specified for the sampling point and is required to be monitored at the sampling point

## Schedule 4

## PROCESS EFFLUENT BATCH: DESIGNATED SAMPLING POINTS, LIMITS, MONITORING FREQUENCY

PLANT: Welland Chemical Limited (Sarnia)			
Designated Process Effluent Batch Sampling Point: 0200, Effluent from #1 Lagoon			
ATG	Parameter	Monitoring Frequency	Batch Loading Limit
			kg/batch
	Column 1	Column 2	Column 3
4a	Nitrate+Nitrite	B	0.57
5a	DOC	B	9.8
6	Total phosphorus	B	0.051
8	Total suspended solids	B	5.5
9	Aluminum	B	0.12
16	Chloroform	B	0.27

## Explanatory Notes:

ATG Analytical Test Group

kg/day kilograms per day

B Process Effluent Batch—batch monitoring requirement

## Schedule 5

## MERGED EFFLUENT: DESIGNATED SAMPLING POINTS, MONITORING FREQUENCY

PLANT: Cytec Canada Inc. (Niagara Falls)		
Designated Merged Effluent Sampling Point: 0200, Miller's Creek Final Discharge to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
4a	Ammonia plus Ammonium	W
4b	Total Kjeldahl Nitrogen	W
4a	Nitrate plus Nitrite	W
6	Total phosphorus	W
8	Total suspended solids	W
25	Oil and grease	W

PLANT: ICI Canada Inc. (Cornwall)		
Designated Merged Effluent Sampling Point: 0300, Effluent in LEL-2 to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
8	Total suspended solids	W
25	Oil and grease	W

## Explanatory Notes:

ATG Analytical Test Group  
W Weekly monitoring requirement

PLANT: Terra International (Canada) Inc. (Courtright)		
Designated Merged Effluent Sampling Point: 0200, Main Effluent to River		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
4a	Ammonia plus Ammonium	W
4b	Total Kjeldahl Nitrogen	W
4a	Nitrate plus Nitrite	W
6	Total phosphorus	W
8	Total suspended solids	W
9	Aluminum	Q
9	Zinc	Q
14	Phenolics	W
25	Oil and grease	W
30	Fluoride	Q
30	Sulphate	Q

## Schedule 6

## COOLING WATER EFFLUENT: DESIGNATED SAMPLING POINTS, MONITORING FREQUENCY

PLANT: ETI Explosives Technologies International (Canada), Ltd. (North Bay)		
<b>Designated Cooling Water Effluent Sampling Point:</b> 0100, Discharge at Weir to Lake		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
4a	Ammonia plus Ammonium	W
4a	Total Kjeldahl Nitrogen	W
4b	Nitrate plus Nitrite	W
8	Total suspended solids	W
25	Oil and grease	W

PLANT: UCAR Inc. (Welland)		
<b>Designated Cooling Water Effluent Sampling Point:</b> 0100, #2 Weir Effluent to Canal		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
8	Total suspended solids	W
25	Oil and grease	W

PLANT: Welland Chemical Limited (Sarnia)		
<b>Designated Cooling Water Sampling Points:</b> 0300, Effluent from Chlorine Filling Unit 0400, Effluent from East Wall of Aluminum Chloride Building 0500, Effluent from South Wall of Aluminum Chloride Building		
ATG	Parameter	Monitoring Frequency
	Column 1	Column 2
8	Total suspended solids	W
25	Oil and grease	W

## Explanatory Notes:

ATG Analytical Test Group  
W Weekly monitoring requirement



## Schedule 7

## ACUTE LETHALITY : SAMPLING POINTS

Plant Name	Sampling Point Number and Description
Albright & Wilson Americas Inc.	0100 , Final Discharge to Canal (Process Effluent)
AlliedSignal	0300 , Discharge to General Chemical Settling basins (Process Effluent)
Cabot Canada Ltd.	0100 , Discharge from Filter Bed to Cole Drain (Process Effluent)
Cytec Canada Inc.	0200 , Miller's Creek Final Discharge to River (Merged Effluent)
The Exolon-ESK Company of Canada, Ltd.	0100 , 24 Inch Outfall at Beaver Dam Road (Process Effluent)
ETI Explosives Technologies International (Canada), Ltd.	0100 , Discharge at Weir to Lake (Cooling Water)
General Chemical Canada Ltd.	0200 , Main Drain Effluent to Detroit River (Process Effluent)
Hydro Agri (Maitland)	0400 , Final Effluent to River (Process Effluent)
ICI Canada Inc.	0300 , Effluent in LEL-2 to River (Merged Effluent)
ICI Canada Inc. - Conpak	0100 , Effluent from Conpak to River (Process Effluent)
International Minerals & Chemical Corporation (Canada) Limited	0300 , Final Effluent to River (Process Effluent)
Liquid Carbonic Inc. (Maitland)	0100 , Effluent to River (Process Effluent)
Norton Advanced Ceramics of Canada Inc.	0300 , Sewer C to Welland River (Process Effluent) 0400 , Sewer D to Welland River (Process Effluent)
Praxair Canada Inc. (Mooretown)	0100 , Final Effluent to River (Process Effluent)
Praxair Canada Inc. (Sarnia)	0100 , Effluent from Cooling Towers to Cole Drain (Process Effluent)
Praxair Canada Inc. (Sault Ste. Marie)	0100 , Outfall at Safety Drive to River (Process Effluent)
Puritan Bennett Corporation	0100 , Effluent to Creek (Process Effluent)
Sulco Chemical Limited	0100 , Final Effluent to Creek (Process Effluent)
Terra International (Canada) Inc.	0200 , Main Effluent to River (Merged Effluent)
UCAR Inc.	0100 , #2 Weir Effluent to Canal (Cooling Water)
Washington Mills Electro Minerals Corporation	0100 , Effluent from Queen Lagoon to Welland River (Process Effluent) 0200 , Effluent from the Old Lagoon to Welland River (Process Effluent)
Washington Mills Limited	0100 , Final Effluent to River (Process Effluent)
Welland Chemical Limited	0200 , Effluent from #1 Lagoon (Process Effluent Batch) 0300 , Effluent from Chlorine Filling Unit (Cooling Water) 0400 , Effluent from East Wall of Aluminum Chloride Building (Cooling Water) 0500 , Effluent from South Wall of Aluminum Chloride Building (Cooling Water)

## Schedule 8

## ACUTE LETHALITY TESTING: SAMPLING POINTS

Plant Name	Sampling Point - Number and Description
Cytec Canada Inc.	0400 , Sludge Pond to Final Discharge
ICI Canada Inc.	0400 , Effluent in Manhole #15 flowing into LEL-2
Terra International (Canada) Inc	0500 , Effluent from 30 inch Concrete Pipe flowing into Plant Final Discharge 0700 , Effluent in Manhole #55 flowing into Plant Final Discharge 0800 , Effluent in 42 inch Line from A-11 flowing into Plant Final Discharge

## Schedule 9

## CHRONIC TOXICITY TESTING: SAMPLING POINTS

Plant Name	Sampling Point Number and Description
Albright & Wilson Americas Inc.	0100 , Final Discharge to Canal (Process Effluent)
Cabot Canada Ltd.	0100 , Discharge from Filter Bed to Cole Drain (Process Effluent)
Cytec Canada Inc.	0200 , Miller's Creek Final Discharge (Merged Effluent)
The Exolon-ESK Company of Canada, Ltd.	0100 , 24 Inch Outfall at Beaver Dam Road (Process Effluent)
General Chemical Canada Ltd.	0200 , Main Drain Effluent to Detroit River (Process Effluent)
ICI Canada Inc.	0300 , Effluent in LEL-2 to River (Merged Effluent)
ICI Canada Inc. - Conpak	0100 , Effluent from Conpak to River (Process Effluent)
International Minerals & Chemical Corporation (Canada) Limited	0300 , Final Effluent to River (Process Effluent)
Liquid Carbonic Inc. (Maitland)	0100 , Effluent to River (Process Effluent)
Norton Advanced Ceramics of Canada Inc.	0300 , Sewer C to Welland River (Process Effluent) 0400 , Sewer D to Welland River (Process Effluent)
Nutrite Inc. (Maitland)	0400 , Final Effluent to River (Process Effluent)
Praxair Canada Inc. (Mooretown)	0100 , Final Effluent to River (Process Effluent)
Praxair Canada Inc. (Sarnia)	0100 , Effluent from Cooling Towers to Cole Drain (Process Effluent)
Praxair Canada Inc. (Sault Ste. Marie)	0100 , Outfall at Safety Drive to River (Process Effluent)
Puritan Bennett Corporation	0100 , Effluent to Creek (Process Effluent)
Sulco Chemical Limited	0100 , Final Effluent to Creek (Process Effluent)
Terra International (Canada) Inc.	0200 , Main Effluent to River (Merged Effluent)
Washington Mills Electro Minerals Corporation	0100 , Effluent from Queen Lagoon to Welland River (Process Effluent) 0200 , Effluent from the Old Lagoon to Welland River (Process Effluent)
Washington Mills Limited	0100 , Final Effluent to River (Process Effluent)
Welland Chemical Limited	0200 , Effluent from #1 Lagoon (Process Effluent Batch)

## Schedule 10

## STORM WATER CONTROL STUDY PARAMETERS

PLANT: Columbian Chemicals Canada Ltd. (Hamilton)	
ATG	Parameter
	Column 1
3	pH
4a	Ammonia plus Ammonium
4a	Total Kjeldahl Nitrogen
4b	Nitrate plus Nitrite
5a	Dissolved Organic Carbon
6	Total phosphorus
8	Total suspended solids
9	Aluminum Boron Lead Zinc
14	Phenolics (4AAP)
15	Sulphides
24	2,3,7,8-tetrachlorodibenzo-para-dioxin 2,3,7,8-tetrachlorodibenzofuran TEQ
25	Oil and grease

## Explanatory Notes:

ATG Analytical Test Group

PLANT: Partek Insulations Ltd., Sarnia	
ATG	Parameter
	Column 1
8	Total suspended solids
25	Oil and grease

## Explanatory Notes:

ATG Analytical Test Group

## Schedule 11

## REFERENCE MATERIALS

Plant Name	Materials
Albright & Wilson Americas Inc.	•Phosphoric Acid •Sodium and Potassium Phosphates
AlliedSignal	•Hydrofluoric Acid
Cabot Canada Ltd.	•Carbon Black
Cytec Canada Inc.	•Phosphine and Derivatives
The Exolon-ESK Company of Canada, Ltd.	•Abrasives
General Chemical Canada Ltd.	•Soda Ash •Calcium Chloride
ICI Canada Inc.	•Chlorine
ICI Canada Inc. - Conpak	•Packaged Acids, Bases, Ammonia, and Chlorine
International Minerals & Chemical Corporation (Canada) Limited	•Shutdown Phosphate Fertilizer Facility - Storage Pond Drainage
Liquid Carbonic Inc. (Maitland)	•Carbon Dioxide
Norton Advanced Ceramics of Canada Inc.	•Abrasives
Nutrite Inc.	•Nitric Acid •Ammonium Nitrate •"Nitrogen" Solutions
Praxair Canada Inc.(Mooretown)	•Nitrogen Gas
Praxair Canada Inc.(Sarnia)	•Nitrogen Gas
Praxair Canada Inc.(Sault Ste. Marie)	•Oxygen, Nitrogen and Argon Gases
Puritan Bennett Corporation	•Nitrous Oxide
Sulco Chemicals Limited	•Sulphuric Acid •Packaged Acids
Terra International (Canada) Inc.	•Ammonia •Ammonium Nitrate •Urea •Nitric Acid •"Nitrogen" Solutions
Washington Mills Electro Minerals Corporation	•Abrasives
Washington Mills Limited	•Abrasives
Welland Chemical Limited	•Aluminum Chloride •Sodium Hypochlorite •Packaged Chlorine

**ONTARIO REGULATION 52/98**  
made under the  
**AGGREGATE RESOURCES ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 244/97  
(General)

Note: Ontario Regulation 244/97 has been amended by Ontario Regulation 535/97.

**1. Ontario Regulation 244/97 is amended by adding the following section:**

**7.1** The following materials are not rock for the purpose of the definition of "rock" in subsection 1 (1) of the Act: andalusite, barite, diamond, gypsum, kaolin, magnesite, phosphate rock, salt and sillimanite.

9/98

**ONTARIO REGULATION 53/98**  
made under the  
**CEMETERIES ACT (REVISED)**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 131/92  
(Licences)

Note: Ontario Regulation 131/92 has been amended by Ontario Regulation 514/97.

**1. Subsection 13 (1) of Ontario Regulation 131/92 is revoked and the following substituted:**

(1) If a cemetery or crematorium is transferred to a new owner, the application fee for a licence to own the cemetery or crematorium is \$15, plus \$10 for each burial permit received for the cemetery or crematorium by the previous owner during the period beginning 30 days before the date on which the previous owner's licence or renewal became effective and ending 30 days before the date of the transfer of ownership.

**2. Subsection 14 (1) of the Regulation is revoked and the following substituted:**

(1) The application fee to renew a licence to own a cemetery or crematorium is \$15, plus \$10 for each burial permit received for the cemetery or crematorium by the owner during the period beginning

**RÈGLEMENT DE L'ONTARIO 52/98**  
pris en application de la  
**LOI SUR LES RESSOURCES EN AGRÉGATS**

pris le 11 février 1998  
déposé le 13 février 1998

modifiant le Règl. de l'Ont. 244/97  
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 244/97 a été modifié par le Règlement de l'Ontario 535/97.

**1. Le Règlement de l'Ontario 244/97 est modifié par adjonction de l'article suivant :**

**7.1** Les matières suivantes ne sont pas des roches pour l'application de la définition de «roches» au paragraphe 1 (1) de la Loi : l'andalousite, la barytine, le diamant, le gypse, le kaolin, la magnésite, la phosphorite, le sel et la sillimanite.

30 days before the date on which the previous licence became effective and ending 30 days before the expiry of the previous licence.

9/98

**ONTARIO REGULATION 54/98**  
made under the  
**COLLECTION AGENCIES ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 74 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 74 has been amended by Ontario Regulation 515/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Paragraph 4 of section 11 of Regulation 74 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**4.** \$10, for each written examination of an applicant for registration as a collection agency.

9/98

**ONTARIO REGULATION 55/98**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 68/94  
(Registration of Suppliers and Gaming Assistants—  
Games of Chance Not Held in Casinos)

Note: Ontario Regulation 68/94 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. The following provisions of Ontario Regulation 68/94 are amended by striking out "Registrar" wherever it occurs and substituting in each case "Registrar of Alcohol and Gaming":

1. Paragraph 2 of section 15.
2. Subsection 16 (1) and clause 16 (2) (a).
3. Subsections 18 (1), (2), (3), (4) and (5).
4. Subsections 19 (1) and (2), clause 19 (4) (a).
5. Subsections 21 (1), (2), (3), (4) and (5).
6. Subsections 22 (1) and (2), clause 22 (4) (a).
7. Subsections 24 (1), (2), (3) and (6).
8. Subsections 25 (1), (2) and (3).
9. Section 26.
10. Section 27.
11. Subsection 29 (2).
12. Subsections 31 (1) and (2).
13. Subsection 32 (3).
14. Subsection 33 (2).
15. Subsections 34 (1) and (2).
16. Subsection 35 (2).
17. Section 36.

2. Subsection 24 (5) of the Regulation is revoked and the following substituted:

(5) An application under this section shall state the addition for which the applicant is applying and shall be submitted to the Registrar of Alcohol and Gaming in a form provided by him or her.

3. Subsection 33 (1) of the Regulation is revoked and the following substituted:

(1) The fees set out in the Schedule are payable for each year during the term of a registration and shall be paid to the Registrar of Alcohol and Gaming at the time the application is made, unless he or she authorizes their payment in equal instalments, in the case of a registration having a term of two years.

4. Subsection 35 (1) of the Regulation is revoked and the following substituted:

(1) An application for registration under this Regulation shall pay to the Registrar of Alcohol and Gaming the amount of \$10,000 or such other amount as he or she determines, if he or she determines that an investigation under section 9 of the Act is necessary with respect to the applicant.

**RÈGLEMENT DE L'ONTARIO 55/98**  
pris en application de la  
**LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX**

pris le 11 février 1998  
déposé le 13 février 1998

modifiant le Règl. de l'Ont. 68/94  
(Inscription des fournisseurs et des préposés au jeu —  
jeux de hasard ne se déroulant pas dans les casinos)

Remarque : Le Règlement de l'Ontario 68/94 n'a pas été modifié en 1997 ou en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Les dispositions suivantes du Règlement de l'Ontario 68/94 sont modifiées par substitution de «registrateur des alcools et des jeux» à «registreur» partout où figure cette expression.

1. La disposition 2 de l'article 15.
2. Le paragraphe 16 (1) et l'alinéa 16 (2) a).
3. Les paragraphes 18 (1), (2), (3), (4) et (5).
4. Les paragraphes 19 (1) et (2), l'alinéa 19 (4) a).
5. Les paragraphes 21 (1), (2), (3), (4) et (5).
6. Les paragraphes 22 (1) et (2), l'alinéa 22 (4) a).
7. Les paragraphes 24 (1), (2), (3) et (6).
8. Les paragraphes 25 (1), (2) et (3).
9. L'article 26.
10. L'article 27.
11. Le paragraphe 29 (2).
12. Les paragraphes 31 (1) et (2).
13. Le paragraphe 32 (3).
14. Le paragraphe 33 (2).
15. Les paragraphes 34 (1) et (2).
16. Le paragraphe 35 (2).
17. L'article 36.

2. Le paragraphe 24 (5) du Règlement est abrogé et remplacé par ce qui suit :

(5) La demande visée au présent article énonce l'ajout qui en fait l'objet et est présentée au registrateur des alcools et des jeux selon la formule qu'il fournit.

3. Le paragraphe 33 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Les droits fixés dans l'annexe sont payables pour chaque année de l'inscription et sont versés au registrateur des alcools et des jeux au moment de la présentation de la demande, sauf si ce dernier autorise leur versement par acomptes égaux dans le cas d'une inscription d'une durée de deux ans.

4. Le paragraphe 35 (1) du Règlement est abrogé et remplacé par ce qui suit :

(1) Si le registrateur des alcools et des jeux détermine qu'il est nécessaire de mener une enquête aux termes de l'article 9 de la Loi sur l'auteur d'une demande d'inscription aux termes du présent Règlement, ce dernier verse au registrateur des alcools et des jeux la somme de 10 000 \$ ou toute autre somme que fixe celui-ci.

**ONTARIO REGULATION 56/98**  
made under the  
**CONSUMER PROTECTION ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 176 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 176 has been amended by Ontario Regulation 516/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 4 of Regulation 176 of the Revised Regulations of Ontario, 1990 is revoked.

9/98

**RÈGLEMENT DE L'ONTARIO 56/98**  
pris en application de la  
**LOI SUR LA PROTECTION DU CONSOMMATEUR**

pris le 11 février 1998  
déposé le 13 février 1998

modifiant le Règl. 176 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 176 a été modifié par le Règlement de l'Ontario 516/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'article 4 du Règlement 176 des Règlements refondus de l'Ontario de 1990 est abrogé.

**ONTARIO REGULATION 57/98**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 69/94  
(Registration of Suppliers and Gaming Assistants—  
Games of Chance Held in Casinos)

Note: Ontario Regulation 69/94 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. The following provisions of Ontario Regulation 69/94 are amended by striking out "Director" and "Registrar" wherever they occur and substituting in each case "Registrar of Alcohol and Gaming":

1. Clause (c) of the definition of "casino gaming-related supplier" in section 1.
2. Subsections 5 (2), (4) and (6), clause 5 (5) (a).
3. Subsection 8 (1).
4. Subsections 9 (1) and (2), clause 9 (3) (a).
5. Subsections 10 (1), (1.1), (2), (5) and (7), clause 10 (4) (a).
6. Subsections 11 (1), (2) and (4).
7. Subsection 14 (1).
8. Subsections 15 (2) and (3).
9. Subsections 16 (1), (3) and (4).
10. Subsections 21 (1) and (2).
11. Subsections 22 (1) and (2).
12. Section 23.

9/98

**RÈGLEMENT DE L'ONTARIO 57/98**  
pris en application de la  
**LOI DE 1992 SUR LA RÉGLEMENTATION DES JEUX**

pris le 11 février 1998  
déposé le 13 février 1998

modifiant le Règl. 69/94  
(Inscription des fournisseurs et des préposés au jeu —  
jeux de hasard se déroulant dans des casinos)

Remarque : Le Règlement de l'Ontario 69/94 n'a pas été modifié en 1997 ou en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Les dispositions suivantes du Règlement de l'Ontario 69/94 sont modifiées par substitution de «registreur des alcools et des jeux» à «directeur» et à «registreur» partout où figurent ces expressions.

1. L'alinéa c) de la définition de «fournisseur de biens ou de services relatifs aux jeux d'un casino» à l'article 1.
2. Les paragraphes 5 (2), (4) et (6), l'alinéa 5 (5) a).
3. Le paragraphe 8 (1).
4. Les paragraphes 9 (1) et (2), l'alinéa 9 (3) a).
5. Les paragraphes 10 (1), (1.1), (2), (5) et (7), l'alinéa 10 (4) a).
6. Les paragraphes 11 (1), (2) et (4).
7. Le paragraphe 14 (1).
8. Les paragraphes 15 (2) et (3).
9. Les paragraphes 16 (1), (3) et (4).
10. Les paragraphes 21 (1) et (2).
11. Les paragraphes 22 (1) et (2).
12. L'article 23.

**ONTARIO REGULATION 58/98**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 70/94  
(General—Games of Chance Held in Casinos)

Note: Ontario Regulation 70/94 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. The following provisions of Ontario Regulation 70/94 are amended by striking out "Director" wherever it occurs and substituting in each case "Registrar of Alcohol and Gaming":

1. Subsection 4 (1).
2. Subsections 5 (1), (3), (4) and (5).
3. Subsection 6 (1).
4. Subsections 7 (1) and (2).
5. Section 9.
6. Subsections 10 (1), (3), (4) and (5).
7. Subsection 12 (1).
8. Subsections 13 (1), (3), (4) and (5).
9. Subsection 15 (4).
10. Subsections 18 (1), (4) and (5).
11. Subsections 18.1 (1), (3), (4) and (5).
12. Subsections 19 (4), (5), (6) and (7).

2. Subsection 5 (6) of the Regulation is revoked and the following substituted:

(6) A casino operator or a casino gaming-related supplier seeking approval of chips or tokens from the Registrar of Alcohol and Gaming shall pay any costs incurred in having them examined or tested.

3. Subsection 10 (6) of the Regulation is revoked and the following substituted:

(6) A casino operator or a casino gaming-related supplier seeking approval from the Registrar of Alcohol and Gaming of a slot machine or any modification of a slot machine that affects the manner in which games are played on the machine shall pay any costs incurred in having it examined or tested.

4. Subsection 13 (6) of the Regulation is revoked and the following substituted:

(6) A casino operator or a casino gaming-related supplier seeking approval from the Registrar of Alcohol and Gaming of associated equipment or any modification to associated equipment shall pay any costs incurred in having it examined or tested.

5. Subsection 19 (2) of the Regulation is revoked and the following substituted:

(2) The operator shall have the internal control system reviewed by an independent licensed public accountant who shall prepare a report on whether the control system is in compliance with the policies of the Registrar of Alcohol and Gaming on internal controls and with the operator's stated system of internal controls.

6. The following provisions of the Regulation are amended by striking out "Commission" wherever it occurs and substituting in each case "board of the Alcohol and Gaming Commission of Ontario":

1. Subsections 1 (1) and (3).
2. Subsection 21 (1) and clause 21 (2) (c).
3. Subsection 22 (1) and subclause 22 (2) (d) (ii).
4. Subsections 23 (1) and (3).
5. Subsections 24 (1), (3), (4), (5) and (6).

9/98

**ONTARIO REGULATION 59/98**  
made under the  
**GAMING CONTROL ACT, 1992**

Made: February 11, 1998  
Filed: February 13, 1998

Amending O. Reg. 197/95  
(General—Games of Chance Not Held in Casinos)

Note: Ontario Regulation 197/95 has not previously been amended.

1. The following provisions of Ontario Regulation 197/95 are amended by striking out "Director" and "Registrar" wherever they occur and substituting in each case "Registrar of Alcohol and Gaming":

1. Clause 1 (a).
2. Subsections 2 (1), (2), (3) and (6).
3. Subsection 4 (3).
4. Subsections 10 (1), (3) and (5).
5. Subsection 11 (5).
6. Subsections 12 (1), (2) and (3).

2. Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) The supplier shall maintain a log, which shall be available for inspection by representatives of the board of the Alcohol and Gaming Commission of Ontario at any time, of all surveillance activities at the gaming premises.

3. Section 7 of the Regulation is revoked and the following substituted:

7. The rules of play for a lottery scheme described in section 1 shall be the same as the rules of play approved by the board of the Alcohol and Gaming Commission of Ontario for casinos managed and conducted by the Ontario Casino Corporation.

9/98



**ONTARIO REGULATION 60/98**

made under the

**ALCOHOL AND GAMING REGULATION AND PUBLIC  
PROTECTION ACT, 1996**

Made: February 11, 1998

Filed: February 13, 1998

**ASSIGNMENT OF POWERS AND DUTIES—  
GAMING CONTROL ACT, 1992**

1. The powers and duties of the Commission, the Registrar and the Director that are set out in the provisions of the *Gaming Control Act, 1992* referred to in Column 1 of the Table and described or mentioned opposite thereto in Column 2 are assigned to the board of the Alcohol and Gaming Commission of Ontario or the Registrar of Alcohol and Gaming, as the case may be, as indicated in Column 3.

2. References to the Commission, the Registrar and the Director that are set out in the provisions of the *Gaming Control Act, 1992* referred to in Column 1 of the Table and described or mentioned opposite thereto in Column 2 shall be read as references to the board of the Alcohol and Gaming Commission of Ontario or the Registrar of Alcohol and Gaming, as the case may be, as indicated in Column 3.

**RÈGLEMENT DE L'ONTARIO 60/98**

pris en application de la

**LOI DE 1996 SUR LA RÉGLEMENTATION DES JEUX  
ET LA PROTECTION DU PUBLIC**

pris le 11 février 1998

déposé le 13 février 1998

**ATTRIBUTION DES POUVOIRS ET DES  
FONCTIONS — LOI DE 1992 SUR LA  
RÉGLEMENTATION DES JEUX**

1. Les pouvoirs et les fonctions de la Commission, du registrateur et du directeur qui sont énoncés aux dispositions de la *Loi de 1992 sur la réglementation des jeux* visées à la colonne 1 du tableau et qui sont indiqués en regard dans la colonne 2 sont attribués au conseil de la Commission des alcools et des jeux de l'Ontario ou au registrateur des alcools et des jeux, selon le cas, tel qu'il est énoncé à la colonne 3.

2. Les mentions de la Commission, du registrateur et du directeur qui figurent aux dispositions de la *Loi de 1992 sur la réglementation des jeux* visées à la colonne 1 du tableau et qui sont indiquées en regard dans la colonne 2 se lisent comme des mentions du conseil de la Commission des alcools et des jeux de l'Ontario ou du registrateur des alcools et des jeux, selon le cas, tel qu'il est énoncé à la colonne 3.

TABLE

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1.	Subsection 3.6 (1)	Commission may direct OCC to refuse access to casino	Board
2.	Subsection 3.6 (2)	Reference to Commission—its exercise of power to issue direction	Board
3.	Subsection 3.6 (3)	Reference to Commission—its decision final	Board
4.	Subsection 3.6 (5)	Commission to serve copy of direction	Board
5.	Section 3.7	Commission may approve rules of play for games in casino	Board
6.	Subsection 4 (3)	Reference to Registrar—consent in writing to change	Registrar
7.	Subsection 6 (1)	Reference to Registrar—application to be made to Registrar	Registrar
8.	Subsection 6 (2)	References to Registrar—supply Registrar with information in form determined by him or her	Registrar
9.	Subsection 6 (3)	Registrar may make other decisions respecting making of applications	Registrar
10.	Subsection 7 (1)	Reference to Registrar—proposal of terms of registration	Registrar
11.	Subsection 7 (2)	Registrar may require applicant to pass examinations or attain standards	Registrar
12.	Clauses 8 (a), (b) and (c)	References to Registrar—his or her opinion	Registrar
13.	Subsection 9 (1)	Registrar may conduct investigations and inquiries	Registrar
14.	Subsection 9 (2)	Registrar may conduct inquiries relating to directors, etc.	Registrar
15.	Subsection 9 (3)	Reference to Registrar—receiving payment or security in form acceptable to Registrar	Registrar
16.	Subsection 9 (4)	Registrar may require information or material	Registrar
17.	Subsection 9 (5)	Registrar may require verification of information by statutory declaration	Registrar
18.	Subsection 9 (6)	References to Registrar—disclosure of material to Registrar	Registrar
19.	Section 10	Registrar refuses to register applicant as supplier or renew such registration	Registrar
20.	Section 11	Registrar refuses to register applicant as gaming assistant or renew such registration	Registrar

21.	Section 12	Registrar may propose to revoke or suspend registration	Registrar
22.	Subsection 13 (1)	Registrar to serve notice of proposed order	Registrar
23.	Subsection 13 (3)	References to Registrar—Registrar to be served with request within 15 days of Registrar serving notice of order	Registrar
24.	Subsection 13 (4)	Registrar may make proposed order	Registrar
25.	Subsection 13 (8)	References to Registrar—Registrar to take action as directed	Registrar
26.	Subsection 13 (9)	Reference to Registrar—his or her opinion	Registrar
27.	Subsection 14 (1)	Registrar may suspend registration in public interest without serving proposed order	Board
28.	Subsection 14 (2)	Registrar to serve copy of order	Registrar
29.	Subsection 14 (5)	1. First reference to Registrar 2. Second reference to Registrar	1. Board 2. Registrar
30.	Clauses 15 (a), (b) and (c)	References to Registrar—granting or refusing to grant renewal of registration	Registrar
31.	Section 16	Registrar may cancel a registration	Registrar
32.	Subsection 16.1 (1)	1. Reference to Registrar 2. Reference to Commission	1. Registrar 2. Board
33.	Subsection 16.1 (2)	1. References to Registrar 2. References to Commission	1. Registrar 2. Board
34.	Subsections 17 (1) and (2)	References to Registrar—application to Registrar	Registrar
35.	Subsection 17 (3)	Registrar may reject application if no material change in circumstances	Board
36.	Subsection 17 (4)	Reference to Registrar—exercise of power	Board
37.	Section 18	Reference to Registrar—serve Registrar with notice	Registrar
38.	Clause 22 (2) (b)	Reference to Commission—approval of rules of play	Board
39.	Section 25	Reference to Registrar—issues identification card to registered suppliers and gaming assistants	Registrar
40.	Subsection 26 (4)	Registrar may authorize other locations for keeping of records	Registrar
41.	Section 28	References to Registrar—requiring audited financial statements and specifying matters to be shown in them	Registrar
42.	Subsection 31 (1)	Commission may appoint investigators	Registrar
43.	Subsection 31 (2)	Commission to issue certificates of appointment	Registrar
44.	Subsection 31 (2)	Reference to Director—signature of Director	Registrar
45.	Subsection 37 (1)	Director may issue freeze orders	Registrar
46.	Clauses 37 (1) (a) and (b)	References to Director—statutory declaration to Director and Director's belief on reasonable grounds	Registrar
47.	Clauses 37 (2) (a) and (b)	Director may make orders based on belief on reasonable grounds	Registrar
48.	Subsection 37 (5)	Reference to Director—power to revoke or vary order	Registrar
49.	Subsection 37 (6)	Director may vary or revoke freeze order and require filing of acceptable security	Registrar
50.	Subsections 38 (1), (2) and (3)	References to Director—order under section 37; Director a party; Director's order	Registrar
51.	Subsection 39 (1)	Director may propose to make order for compliance	Registrar
52.	Clauses 39 (1) (a) and (b)	References to Director—statutory declaration made to Director; Director's belief of allegation	Registrar
53.	Subsection 39 (2)	Director to serve notice of proposed order	Registrar
54.	Subsection 39 (4)	References to Director—serving of request for hearing on Director within 15 days after serving notice	Registrar
55.	Subsection 39 (5)	Director may make proposed order	Registrar
56.	Subsection 40 (1)	Director may make immediate compliance order	Registrar

57.	Clauses 40 (1) (a), (b) and (c)	References to Director—statutory declaration to Director; Director's belief of allegation; Director's belief in necessity for order in public interest	Registrar
58.	Subsection 40 (2)	Director to serve notice of proposed order	Registrar
59.	Subsection 40 (4)	Reference to Director—serving of request for hearing on Director within 15 days after serving notice	Registrar
60.	Clause 41 (4) (a)	References to Director—Director's order confirmed or set aside	Registrar
61.	Clause 41 (4) (b)	Reference to Director—Director to take action as directed	Registrar
62.	Subsection 41 (5)	Reference to Director—Director's opinion	Registrar
63.	Subsection 42 (1)	Director may apply for judicial compliance order	Registrar
64.	Section 44	Registrar may publish list of registrants	Registrar
65.	Subsection 46 (7)	Reference to Registrar's first having knowledge of facts upon which proceeding based	Registrar
66.	Clause 48 (1) (f.1)	1. Reference to Registrar 2. Reference to Commission	1. Registrar 2. Board
67.	Clause 48 (1) (q)	Reference to Registrar	Registrar

TABLEAU

No.	COLONNE 1	COLONNE 2	COLONNE 3
1.	Paragraphe 3.6 (1)	Accès à un casino interdit sur directive donnée à la SCO par la Commission	Conseil
2.	Paragraphe 3.6 (2)	Mention de la Commission — exercice du pouvoir de donner une directive	Conseil
3.	Paragraphe 3.6 (3)	Mention de la Commission — directives définitives	Conseil
4.	Paragraphe 3.6 (5)	Signification d'une copie de la directive par la Commission	Conseil
5.	Article 3.7	Approbation de règles de jeu par la Commission	Conseil
6.	Paragraphe 4 (3)	Mention du registrateur — consentement par écrit au changement	Registrateur
7.	Paragraphe 6 (1)	Mention du registrateur — présentation d'une demande d'inscription au registrateur	Registrateur
8.	Paragraphe 6 (2)	Mentions du registrateur — renseignements fournis au registrateur sous la forme déterminée	Registrateur
9.	Paragraphe 6 (3)	Prise de décisions par le registrateur concernant la présentation des demandes	Registrateur
10.	Paragraphe 7 (1)	Mention du registrateur — proposition de conditions d'inscription	Registrateur
11.	Paragraphe 7 (2)	Auteur d'une demande obligé par le registrateur à subir des examens ou à répondre à des normes	Registrateur
12.	Alinéas 8 a), b) et c)	Mentions du registrateur — avis	Registrateur
13.	Paragraphe 9 (1)	Tenue d'enquêtes et demande de renseignements par le registrateur	Registrateur
14.	Paragraphe 9 (2)	Demande de renseignements par le registrateur, notamment sur les administrateurs	Registrateur
15.	Paragraphe 9 (3)	Mention du registrateur — paiement effectué ou garantie donnée sous une forme acceptable	Registrateur
16.	Paragraphe 9 (4)	Demande de renseignements ou de documentation par le registrateur	Registrateur
17.	Paragraphe 9 (5)	Attestation des renseignements par déclaration solennelle exigée par le registrateur	Registrateur
18.	Paragraphe 9 (6)	Mentions du registrateur — divulgation de la documentation au registrateur	Registrateur
19.	Article 10	Refus du registrateur d'inscrire l'auteur d'une demande comme fournisseur ou de renouveler une telle inscription	Registrateur
20.	Article 11	Refus du registrateur d'inscrire l'auteur d'une demande comme préposé au jeu ou de renouveler une telle inscription	Registrateur

21.	Article 12	Intention du registraire de suspendre ou de révoquer une inscription	Registraire
22.	Paragraphe 13 (1)	Signification par le registraire d'un avis de l'ordre envisagé	Registraire
23.	Paragraphe 13 (3)	Mentions du registraire — demande signifiée au registraire au plus tard 15 jours après signification de l'avis	Registraire
24.	Paragraphe 13 (4)	Ordre envisagé donné par le registraire	Registraire
25.	Paragraphe 13 (8)	Mentions du registraire — prise de mesures par le registraire	Registraire
26.	Paragraphe 13 (9)	Mention du registraire — opinion	Registraire
27.	Paragraphe 14 (1)	Suspension de l'inscription par le registraire, dans l'intérêt public, sans signifier l'ordre envisagé	Conseil
28.	Paragraphe 14 (2)	Signification d'une copie de l'ordre par le registraire	Registraire
29.	Paragraphe 14 (5)	1. Première mention du registraire 2. Deuxième mention du registraire	1. Conseil 2. Registraire
30.	Alinéas 15 a), b) et c)	Mentions du Registraire — renouvellement de l'inscription accordé ou refusé	Registraire
31.	Article 16	Annulation d'une inscription par le registraire	Registraire
32.	Paragraphe 16.1 (1)	1. Mention du registraire 2. Mention de la Commission	1. Registraire 2. Conseil
33.	Paragraphe 16.1 (2)	1. Mentions du registraire 2. Mentions de la Commission	1. Registraire 2. Conseil
34.	Paragraphe 17 (1) et (2)	Mentions du registraire — demande d'inscription	Registraire
35.	Paragraphe 17 (3)	Rejet par le registraire d'une demande ne révélant aucun changement de situation important	Conseil
36.	Paragraphe 17 (4)	Mention du registraire — exercice du pouvoir	Conseil
37.	Article 18	Mention du registraire — signification d'un avis au registraire	Registraire
38.	Alinéa 22 (2) b)	Mention de la Commission — approbation des règles de jeu	Conseil
39.	Article 25	Mention du registraire — délivrance d'une carte d'identité aux fournisseurs et préposés au jeu inscrits	Registraire
40.	Paragraphe 26 (4)	Autorisation par le registraire de conserver les registres dans un autre endroit	Registraire
41.	Article 28	Mentions du registraire — demande d'un état financier vérifié et précision des renseignements	Registraire
42.	Paragraphe 31 (1)	Nomination d'enquêteurs par la Commission	Registraire
43.	Paragraphe 31 (2)	Délivrance d'une attestation de nomination par la Commission	Registraire
44.	Paragraphe 31 (2)	Mention du directeur — signature	Registraire
45.	Paragraphe 37 (1)	Ordre de gel donné par le directeur	Registraire
46.	Alinéas 37 (1) a) et b)	Mentions du directeur — déclaration solennelle faite au directeur et motifs raisonnables invoqués	Registraire
47.	Alinéas 37 (2) a) et b)	Ordres donnés par le directeur pour des motifs raisonnables	Registraire
48.	Paragraphe 37 (5)	Mention du directeur — pouvoir de révoquer ou de modifier l'ordre	Registraire
49.	Paragraphe 37 (6)	Modification ou révocation d'un ordre de gel et demande de garantie par le directeur	Registraire
50.	Paragraphe 38 (1), (2) et (3)	Mentions du directeur — ordre donné en vertu de l'article 37; partie à la requête; ordre du directeur	Registraire
51.	Paragraphe 39 (1)	Intention du directeur de donner un ordre de conformité	Registraire
52.	Alinéas 39 (1) a) et b)	Mentions du directeur — déclaration solennelle faite au directeur; croyance aux faits allégués	Registraire
53.	Paragraphe 39 (2)	Signification par le directeur d'un avis de l'ordre envisagé	Registraire
54.	Paragraphe 39 (4)	Mentions du directeur — demande d'audience signifiée au directeur au plus tard 15 jours après signification de l'avis	Registraire

55.	Paragraphe 39 (5)	Ordre envisagé donné par le directeur	Registrauteur
56.	Paragraphe 40 (1)	Ordre de se conformer immédiatement donné par le directeur	Registrauteur
57.	Alinéas 40 (1) a), b) et c)	Mentions du directeur — déclaration solennelle faite au directeur; croyance aux faits allégués; nécessité d'agir dans l'intérêt public	Registrauteur
58.	Paragraphe 40 (2)	Signification par le directeur d'un avis de l'ordre envisagé	Registrauteur
59.	Paragraphe 40 (4)	Mention du directeur — demande d'audience signifiée au directeur au plus tard 15 jours après signification de l'avis	Registrauteur
60.	Alinéa 41 (4) a)	Mentions du directeur — ordre du directeur confirmé ou annulé	Registrauteur
61.	Alinéa 41 (4) b)	Mention du directeur — prise de mesures par le directeur	Registrauteur
62.	Paragraphe 41 (5)	Mention du directeur — opinion	Registrauteur
63.	Paragraphe 42 (1)	Ordonnance de conformité demandée au tribunal par le directeur	Registrauteur
64.	Article 44	Publication de la liste des personnes inscrites par le registrauteur	Registrauteur
65.	Paragraphe 46 (7)	Mention du registrauteur — connaissance des faits qui ont donné lieu à l'instance	Registrauteur
66.	Alinéa 48 (1) f.1)	1. Mention du registrauteur 2. Mention de la Commission	1. Registrauteur 2. Conseil
67.	Alinéa 48 (1) q)	Mention du registrauteur	Registrauteur

9/98

**ONTARIO REGULATION 61/98**

made under the

**ALCOHOL AND GAMING REGULATION AND  
PUBLIC PROTECTION ACT, 1996**

Made: February 11, 1998

Filed: February 13, 1998

**RÈGLEMENT DE L'ONTARIO 61/98**

pris en application de la

**LOI DE 1996 SUR LA RÉGLEMENTATION DES ALCOOLS  
ET DES JEUX ET LA PROTECTION DU PUBLIC**

pris le 11 février 1998

déposé le 13 février 1998

**ASSIGNMENT OF POWERS AND DUTIES—  
LIQUOR LICENCE ACT**

1. The powers and duties set out in the provisions of the *Liquor Licence Act* referenced in Column 1 of the Table and described opposite in Column 2 are assigned to the board of the Alcohol and Gaming Commission of Ontario or the Registrar of Alcohol and Gaming, as the case may be, as set out in Column 3.

2. References to the Board, a member or members of the Board or an employee or employees of the Board found in the provisions of the *Liquor Licence Act* referenced in Column 1 of the Table and described opposite in Column 2 shall be read as references to the board of the Alcohol and Gaming Commission of Ontario or the Registrar of Alcohol and Gaming, as the case may be, as set out in Column 3.

**ATTRIBUTION DES POUVOIRS ET DES  
FONCTIONS — LOI SUR LES PERMIS D'ALCOOL**

1. Les pouvoirs et les fonctions qui sont énoncés aux dispositions de la *Loi sur les permis d'alcool* visées à la colonne 1 du tableau et qui sont indiqués en regard dans la colonne 2 sont attribués au conseil de la Commission des alcools et des jeux de l'Ontario ou au registrauteur des alcools et des jeux, selon le cas, tel qu'il est énoncé à la colonne 3.

2. Les mentions de la Commission ou d'un ou de plusieurs membres ou employés de la Commission qui figurent aux dispositions de la *Loi sur les permis d'alcool* visées à la colonne 1 du tableau et qui sont indiquées en regard dans la colonne 2 se lisent comme des mentions du conseil de la Commission des alcools et des jeux de l'Ontario ou du registrauteur des alcools et des jeux, selon le cas, tel qu'il est énoncé à la colonne 3.

TABLE

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
1.	Subsection 6 (1)	Reference to Board—receipt of application for a liquor sale licence	Registrar
2.	Subsection 6 (6)	Reference to Board—Board not to renew or transfer liquor sale licence	Registrar
3.	Subsection 7 (1)	Board to notify public of new licence application	Registrar
4.	Subsection 7 (2)	Reference to Board—Board not required to give notice of new licence application	Registrar
5.	Subsection 7 (3)	Board to request written submissions	Registrar
6.	Subsection 8 (1)	Member of Board to consider licence application	Registrar
7.	Subsection 8 (2)	1. Reference to Board—where written objections not received 2. Member of Board may approve application or direct proposal	1. Registrar 2. Registrar

8.	Subsection 8 (3)	Member of Board may specify conditions to be attached to licence on consent	Registrar
9.	Subsection 8 (4)	Reference to Board—receiving objections regarding liquor licence applications	Registrar
10.	Clauses 8 (4) (a) and (b)	Member of Board may call public meeting or direct proposal	Registrar
11.	Subsection 8 (5)	Member of Board to initiate hearing process	Registrar
12.	Subsection 9 (1)	Board to give notice of time and place of meeting	Registrar
13.	Subsection 9 (2)	Member of Board to conduct hearing	Board
14.	Subsection 9 (3)	Member of Board to receive representations	Board
15.	Subsection 9 (4)	Member of Board to consider representations	Board
16.	Subsection 9 (5)	Member of Board to consider application and may approve application or direct proposal	Board
17.	Subsection 9 (6)	Member of Board may specify conditions	Board
18.	Subsection 10 (1)	Reference to Board—receipt of application for a delivery licence	Registrar
19.	Subsection 10 (3)	1. Member of Board to consider application 2. Member may approve delivery licence application or direct proposal	1. Registrar 2. Registrar
20.	Subsection 10 (4)	Member of Board may add conditions to delivery licence on consent	Registrar
21.	Subsection 11 (2)	Reference to Board—receipt of application for licence to represent manufacturer	Registrar
22.	Subsection 11 (4)	1. Member or employee of Board to consider application for manufacturer's licence 2. Member or employee of Board may approve application or direct proposal	1. Registrar 2. Registrar
23.	Subsection 11 (5)	Member or employee of Board may add conditions to a manufacturer's licence on consent	Registrar
24.	Subsection 12 (1)	1. Board to issue licence 2. Reference to member or employee of Board 3. Reference to Board	1. Registrar 2. Registrar 3. Board
25.	Subsection 12 (2)	Reference to Board—imposition of licence conditions	Board
26.	Subsection 12 (4)	1. Reference to member of Board—significant change in circumstances 2. Board may permit re-application for licence	1. Board 2. Board
27.	Subsection 14 (1)	Member or employee of Board may review licence and add conditions or direct proposal re conditions	Registrar
28.	Subsection 14 (2)	Member or employee of Board may remove conditions	Board
29.	Subsection 14 (3)	Member or employee of Board to direct proposal	Board
30.	Subsection 15 (1)	Member or employee of Board may initiate disciplinary proceedings against liquor sale licence holder	Registrar
31.	Subsection 15 (1.1)	Member or employee of Board may direct proposal to revoke or suspend	Registrar
32.	Subsection 15 (2)	Member or employee of Board may initiate disciplinary proceedings against delivery licence holders	Registrar
33.	Subsection 15 (3)	Member or employee of Board may initiate disciplinary proceedings against manufacturer's representatives	Registrar
34.	Subsection 15 (4)	Member or employee of Board may initiate disciplinary proceedings against liquor manufacturers	Registrar
35.	Subsection 15 (5)	1. Board may suspend licence 2. Reference to members of Board	1. Board 2. Board
36.	Subsection 15 (6)	Board may extend time of expiration	Board
37.	Subsection 15 (6.1)	1. Reference to Board—revocation of licence to sell liquor 2. Board may make order that no further application may be made 3. Reference to Board—specifying period of time 4. Reference to Board—its opinion	1. Board 2. Board 3. Board 4. Board

38.	Subsection 15 (6.2)	1. Board to hold hearing 2. Reference to Board—receipt of notice requiring hearing	1. Board 2. Registrar
39.	Subsection 15 (6.3)	1. Reference to member of Board—significant change 2. Board may permit application	1. Board 2. Board
40.	Subsection 15 (7)	Board may accept voluntary surrender of, and cancel, licence	Registrar
41.	Subsection 16 (1)	Reference to Board transferring licence (individual)	Registrar
42.	Subsection 16 (2)	Reference to Board transferring licence (corporation)	Registrar
43.	Subsection 17 (1)	Reference to Board—receipt of application for transfer of licence	Registrar
44.	Subsection 17 (4)	1. Member of Board to consider application 2. Member of Board may approve transfer of application or direct proposal	1. Registrar 2. Registrar
45.	Subsection 17 (5)	Member of Board may add conditions to a transfer of licence on consent	Registrar
46.	Subsection 17 (6)	1. Board to transfer licence 2. Reference to member of Board 3. Reference to Board	1. Registrar 2. Registrar 3. Board
47.	Subsection 17 (7)	Reference to Board—impose conditions on transfer of licence	Board
48.	Subsection 18 (1)	Board may transfer licence temporarily	Registrar
49.	Subsection 19 (1)	Reference to Board—receive application for special occasion permits	Registrar
50.	Subsection 19 (4)	1. Member of Board to consider application for special occasion permits 2. Member may approve special occasion permit or direct a proposal	1. Registrar 2. Registrar
51.	Subsection 19 (5)	Member of Board may add conditions to a special occasion permit	Registrar
52.	Subsection 19 (6)	1. Board to issue a special occasion permit 2. Reference to member of Board—approval 3. Reference to Board—approval	1. Registrar 2. Registrar 3. Board
53.	Subsection 19 (7)	Reference to Board—imposition of conditions on special occasion permits	Board
54.	Subsection 19 (8)	1. Member or employee of Board may review permit 2. Member or employee may add further conditions to an issued special occasion permit or direct proposal	1. Registrar 2. Registrar
55.	Subsection 19 (9)	Member or employee may remove a condition of a special occasion permit	Board
56.	Subsection 19 (10)	Member or employee of Board to direct proposal	Board
57.	Subsection 19 (11)	Member or employee of Board may initiate disciplinary proceedings against holder of special occasion permits	Registrar
58.	Subsection 19 (12)	1. Board may revoke a special occasion permit immediately 2. Reference to two members of Board—criteria for decision	1. Board 2. Board
59.	Subsection 20 (1)	Member or employee of Board may initiate proceedings to disqualify premises from receiving special occasion permit	Registrar
60.	Subsection 20 (2)	1. Board may disqualify immediately premises from receiving special occasion permits 2. Reference to two members of Board	1. Board 2. Board
61.	Subsection 20 (3)	Board may extend time of expiration	Board
62.	Subsection 21 (1)	1. Reference to member or employee of Board—directing proposal 2. Board to serve notice of proposal regarding licences	1. Registrar 2. Registrar
63.	Subsection 21 (2)	1. Reference to member or employee of Board—directs proposal 2. Board to serve notice of proposal regarding special occasion permits	1. Registrar 2. Registrar
64.	Subsection 21 (3)	1. Reference to member or employee of Board—directs proposal 2. Board to serve notice of proposal to disqualify premises	1. Registrar 2. Registrar
65.	Subsection 21 (4)	1. Reference to hearing by Board 2. Reference to Board—receipt of notice requiring hearing 3. Reference to hearing by Board	1. Board 2. Registrar 3. Board



66.	Clauses 21 (5) (a) and (b)	1. Reference to Board—no hearing by it required 2. Board may refuse to issue licence to sell liquor or carry out proposal	1. Board 2. Registrar
67.	Subsection 22 (1)	Reference to Board—receipt of application for manufacturer's licence	Registrar
68.	Subsection 22 (2)	Board to issue a manufacturer's licence	Board
69.	Subsection 22 (3)	Reference to Board—imposition of conditions on a manufacturer's licence	Board
70.	Subsection 22 (4)	Board may transfer a manufacturer's licence	Board
71.	Subsection 22 (5)	Reference to Board—its decision	Board
72.	Subsection 23 (5)	Board to fix time and place of hearing	Registrar
73.	Subsection 23 (10)	Board may approve application or refuse to issue licence	Board
74.	Subsection 23 (11)	1. Board may decline to carry out proposal 2. Board may carry out proposal in whole or in part 3. Board may approve application	1. Board 2. Board 3. Board
75.	Subsection 23 (12)	1. Board may attach conditions to licence or permit 2. Board's opinion re proper conditions	1. Board 2. Board
76.	Section 24	Board not to review decision	Board
77.	Subsection 35 (2)	Reference to Board—issuing licences and permits into municipally designated dry areas	Registrar
78.	Subsection 38 (2)	1. Reference to two members of Board—their opinion 2. Board may order cessation of liquor advertisements	1. Board 2. Board
79.	Subsection 38 (3)	Board to serve notice of cessation order	Board
80.	Subsection 38 (4)	1. Reference to hearing by Board 2. Reference to Board—receipt of notice requiring hearing 3. Reference to hearing by Board	1. Board 2. Registrar 3. Board
81.	Subsection 38 (6)	Board may extend time of expiration	Board
82.	Subsection 38 (7)	References to Board—holding a hearing	Board
83.	Subsection 38 (8)	Board may confirm, vary or rescind order	Board
84.	Section 41	Reference to Board—approving exemption from licensing requirements for research or educational purposes	Board
85.	Subsection 43 (1)	1. Chair of Board to designate persons to carry out inspections 2. Reference to Board—employment status of persons named inspectors	1. Registrar 2. Board
86.	Subsection 55 (1)	Reference to Board—approval of other date for local option voting	Board
87.	Subsection 58 (1)	Reference to Board—receipt of votes from local option voting	Registrar
88.	Subsection 58 (2)	Board to publish results from local option voting	Registrar
89.	Subsection 61 (9)	Reference to Board—knowledge of the facts on which proceeding based	Registrar
90.	Paragraph 9 of subsection 62 (1)	Reference to Board—receipt of information and returns	Registrar
91.	Paragraph 10 of subsection 62 (1)	Reference to Board—approval of advertisements	Board
92.	Paragraph 16 of subsection 62 (1)	Reference to Board—conduct of proceedings	Board
93.	Paragraph 19 of subsection 62 (1)	Reference to Board—extension of liquor sales hours	Board
94.	Paragraph 24 of subsection 62 (1)	Reference to Board—approval of training courses	Board
95.	Paragraph 25 of subsection 62 (1)	Reference to Board—approval of temporary extension of premises	Registrar
96.	Paragraph 26 of subsection 62 (1)	Reference to Board—exemption of person from information requirement	Registrar
97.	Paragraph 27 of subsection 62 (1)	Reference to Board—approval of possession, service, consumption for research purposes	Board



TABLEAU

No.	COLONNE 1	COLONNE 2	COLONNE 3
1.	Paragraphe 6 (1)	Mention de la Commission — réception d'une demande de permis de vente d'alcool	Registrauteur
2.	Paragraphe 6 (6)	Renouvellement ou cession d'un permis par la Commission non autorisé	Registrauteur
3.	Paragraphe 7 (1)	Avis d'une demande de permis donné au public par la Commission	Registrauteur
4.	Paragraphe 7 (2)	Mention de la Commission — non-obligation de donner avis d'une demande	Registrauteur
5.	Paragraphe 7 (3)	Demande d'observations écrites par la Commission	Registrauteur
6.	Paragraphe 8 (1)	Examen de la demande de permis par un membre de la Commission	Registrauteur
7.	Paragraphe 8 (2)	1. Mention de la Commission — absence d'objection écrite 2. Demande agréée ou proposition exigée par le membre de la Commission	1. Registrauteur 2. Registrauteur
8.	Paragraphe 8 (3)	Assujettissement du permis à des conditions par le membre de la Commission, sur consentement	Registrauteur
9.	Paragraphe 8 (4)	Mention de la Commission—réception d'objections à une demande	Registrauteur
10.	Alinéas 8 (4) a) et b)	Assemblée publique convoquée ou proposition exigée par le membre de la Commission	Registrauteur
11.	Paragraphe 8 (5)	Amorce de la procédure de réexamen par le membre de la Commission	Registrauteur
12.	Paragraphe 9 (1)	Avis du jour, de l'heure et du lieu de l'assemblée donné par la Commission	Registrauteur
13.	Paragraphe 9 (2)	Tenue de l'assemblée par un membre de la Commission	Conseil
14.	Paragraphe 9 (3)	Audition des observations par le membre de la Commission	Conseil
15.	Paragraphe 9 (4)	Prise en considération des observations par le membre de la Commission	Conseil
16.	Paragraphe 9 (5)	Demande examinée et agréée ou proposition exigée par le membre de la Commission	Conseil
17.	Paragraphe 9 (6)	Précision de conditions par le membre de la Commission	Conseil
18.	Paragraphe 10 (1)	Mention de la Commission — réception d'une demande de permis de livraison d'alcool	Registrauteur
19.	Paragraphe 10 (3)	1. Demande examinée par un membre de la Commission 2. Demande agréée ou proposition exigée par un membre de la Commission	1. Registrauteur 2. Registrauteur
20.	Paragraphe 10 (4)	Assujettissement du permis à des conditions par le membre de la Commission, sur consentement	Registrauteur
21.	Paragraphe 11 (2)	Mention de la Commission — réception d'une demande de permis de représenter un fabricant	Registrauteur
22.	Paragraphe 11 (4)	1. Demande examinée par un membre ou un employé de la Commission 2. Demande agréée ou proposition exigée par un membre ou un employé de la Commission	1. Registrauteur 2. Registrauteur
23.	Paragraphe 11 (5)	Assujettissement du permis à des conditions par le membre ou l'employé de la Commission, sur consentement	Registrauteur
24.	Paragraphe 12 (1)	1. Délivrance d'un permis par la Commission 2. Mention d'un membre ou d'un employé de la Commission 3. Mention de la Commission	1. Registrauteur 2. Registrauteur 3. Conseil
25.	Paragraphe 12 (2)	Mention de la Commission — assujettissement du permis à des conditions	Conseil
26.	Paragraphe 12 (4)	1. Mention d'un membre de la Commission—circonstances considérablement modifiées 2. Autorisation d'une nouvelle demande par la Commission	1. Conseil 2. Conseil

27.	Paragraphe 14 (1)	Permis réexaminé et assujetti à des conditions ou proposition exigée par un membre ou un employé de la Commission	Registrauteur
28.	Paragraphe 14 (2)	Suppression de conditions par un membre ou un employé de la Commission	Conseil
29.	Paragraphe 14 (3)	Proposition exigée par le membre ou l'employé de la Commission	Conseil
30.	Paragraphe 15 (1)	Amorce d'une procédure disciplinaire contre un titulaire de permis de vente d'alcool par un membre ou un employé de la Commission	Registrauteur
31.	Paragraphe 15 (1.1)	Proposition de révocation ou de suspension exigée par un membre ou un employé de la Commission	Registrauteur
32.	Paragraphe 15 (2)	Amorce d'une procédure disciplinaire contre un titulaire de permis de livraison d'alcool par un membre ou un employé de la Commission	Registrauteur
33.	Paragraphe 15 (3)	Amorce d'une procédure disciplinaire contre le représentant d'un fabricant par un membre ou un employé de la Commission	Registrauteur
34.	Paragraphe 15 (4)	Amorce d'une procédure disciplinaire contre un fabricant de boissons alcoolisées par un membre ou un employé de la Commission	Registrauteur
35.	Paragraphe 15 (5)	1. Suspension du permis par la Commission 2. Mention de membres de la Commission	1. Conseil 2. Conseil
36.	Paragraphe 15 (6)	Prorogation du délai d'expiration par la Commission	Conseil
37.	Paragraphe 15 (6.1)	1. Mention de la Commission — révocation d'un permis de vente d'alcool 2. Présentation d'une nouvelle demande interdite par la Commission 3. Mention de la Commission — précision du délai 4. Mention de la Commission — avis	1. Conseil 2. Conseil 3. Conseil 4. Conseil
38.	Paragraphe 15 (6.2)	1. Tenue d'une audience par la Commission 2. Mention de la Commission — réception d'un avis demandant une audience	1. Conseil 2. Registrauteur
39.	Paragraphe 15 (6.3)	1. Mention d'un membre de la Commission — circonstances considérablement modifiées 2. Autorisation de la demande par la Commission	1. Conseil 2. Conseil
40.	Paragraphe 15 (7)	Annulation par la Commission d'un permis que le titulaire rend volontairement	Registrauteur
41.	Paragraphe 16 (1)	Mention de la Commission — cession d'un permis (particulier)	Registrauteur
42.	Paragraphe 16 (2)	Mention de la Commission — cession d'un permis (personne morale)	Registrauteur
43.	Paragraphe 17 (1)	Mention de la Commission — réception d'une demande de cession de permis	Registrauteur
44.	Paragraphe 17 (4)	1. Examen de la demande par un membre de la Commission 2. Cession du permis agréée ou proposition exigée par un membre de la Commission	1. Registrauteur 2. Registrauteur
45.	Paragraphe 17 (5)	Assujettissement du permis à des conditions par le membre de la Commission, sur consentement	Registrauteur
46.	Paragraphe 17 (6)	1. Cession d'un permis par la Commission 2. Mention d'un membre de la Commission 3. Mention de la Commission	1. Registrauteur 2. Registrauteur 3. Conseil
47.	Paragraphe 17 (7)	Mention de la Commission — assujettissement du permis à des conditions	Conseil
48.	Paragraphe 18 (1)	Cession temporaire du permis par la Commission	Registrauteur
49.	Paragraphe 19 (1)	Mention de la Commission — réception d'une demande de permis de circonstance	Registrauteur
50.	Paragraphe 19 (4)	1. Demande examinée par un membre de la Commission 2. Demande agréée ou proposition exigée par le membre de la Commission	1. Registrauteur 2. Registrauteur
51.	Paragraphe 19 (5)	Assujettissement du permis à des conditions par le membre de la Commission, sur consentement	Registrauteur

52.	Paragraphe 19 (6)	1. Délivrance d'un permis de circonstance par la Commission 2. Mention d'un membre de la Commission — demande agréée 3. Mention de la Commission — demande agréée	1. Registrateur 2. Registrateur 3. Conseil
53.	Paragraphe 19 (7)	Mention de la Commission — assujettissement du permis à des conditions	Conseil
54.	Paragraphe 19 (8)	1. Permis réexaminé par un membre ou un employé de la Commission 2. Permis assujetti à d'autres conditions ou proposition exigée par un membre ou un employé de la Commission	1. Registrateur 2. Registrateur
55.	Paragraphe 19 (9)	Suppression de conditions par un membre ou un employé de la Commission	Conseil
56.	Paragraphe 19 (10)	Proposition exigée par le membre ou l'employé de la Commission	Conseil
57.	Paragraphe 19 (11)	Amorce d'une procédure disciplinaire contre un titulaire de permis de circonstance par un membre ou un employé de la Commission	Registrateur
58.	Paragraphe 19 (12)	1. Révocation immédiate d'un permis de circonstance par la Commission 2. Mention de deux membres de la Commission — critères motivant la décision	1. Conseil 2. Conseil
59.	Paragraphe 20 (1)	Amorce d'une procédure d'exclusion d'un local par un membre ou un employé de la Commission	Registrateur
60.	Paragraphe 20 (2)	1. Exclusion immédiate du local par la Commission 2. Mention de deux membres de la Commission	1. Conseil 2. Conseil
61.	Paragraphe 20 (3)	Prorogation de délai par la Commission	Conseil
62.	Paragraphe 21 (1)	1. Mention d'un membre ou d'un employé de la Commission — proposition exigée 2. Signification d'un avis de la proposition par la Commission	1. Registrateur 2. Registrateur
63.	Paragraphe 21 (2)	1. Mention d'un membre ou d'un employé de la Commission — proposition exigée 2. Signification d'un avis de la proposition par la Commission	1. Registrateur 2. Registrateur
64.	Paragraphe 21 (3)	1. Mention d'un membre ou d'un employé de la Commission — proposition exigée 2. Signification d'un avis de la proposition par la Commission	1. Registrateur 2. Registrateur
65.	Paragraphe 21 (4)	1. Mention de la Commission — tenue d'une audience 2. Mention de la Commission — réception d'un avis demandant une audience 3. Mention de la Commission — tenue d'une audience	1. Conseil 2. Registrateur 3. Conseil
66.	Alinéas 21 (5) a) et b)	1. Mention de la Commission — aucune demande d'audience 2. Refus de délivrer un permis de vente d'alcool ou mise à exécution de la proposition par la Commission	1. Conseil 2. Registrateur
67.	Paragraphe 22 (1)	Mention de la Commission — réception d'une demande de permis de fabricant	Registrateur
68.	Paragraphe 22 (2)	Délivrance du permis par la Commission	Conseil
69.	Paragraphe 22 (3)	Mention de la Commission — assujettissement du permis à des conditions	Conseil
70.	Paragraphe 22 (4)	Cession d'un permis de fabricant par la Commission	Conseil
71.	Paragraphe 22 (5)	Mention de la Commission — décision	Conseil
72.	Paragraphe 23 (5)	Fixation de date par la Commission	Registrateur
73.	Paragraphe 23 (10)	Agrément de la demande ou refus de délivrer le permis par la Commission	Conseil
74.	Paragraphe 23 (11)	1. Refus par la Commission de mettre à exécution la proposition 2. Mise à exécution de tout ou partie de celle-ci par la Commission 3. Agrément de la demande par la Commission	1. Conseil 2. Conseil 3. Conseil
75.	Paragraphe 23 (12)	1. Assujettissement du permis ou du permis de circonstance à des conditions par la Commission 2. Opinion de la Commission sur les conditions	1. Conseil 2. Conseil
76.	Article 24	Non-réexamen d'une décision par la Commission	Conseil

77.	Paragraphe 35 (2)	Mention de la Commission — délivrance de permis à l'égard de lieux désignés	Registraire
78.	Paragraphe 38 (2)	1. Mention de deux membres de la Commission — avis 2. Utilisation d'annonces publicitaires sur l'alcool interdite par la Commission	1. Conseil 2. Conseil
79.	Paragraphe 38 (3)	Signification par la Commission d'un avis d'ordonnance de cessation	Conseil
80.	Paragraphe 38 (4)	1. Tenue d'une audience par la Commission 2. Mention de la Commission — réception d'un avis demandant une audience 3. Tenue d'une audience par la Commission	1. Conseil 2. Registraire 3. Conseil
81.	Paragraphe 38 (6)	Prorogation du délai d'expiration par la Commission	Conseil
82.	Paragraphe 38 (7)	Mentions de la Commission — tenue d'une audience	Conseil
83.	Paragraphe 38 (8)	Confirmation, modification ou annulation de l'ordonnance par la Commission	Conseil
84.	Section 41	Mention de la Commission — approbation d'exceptions touchant la recherche et l'éducation	Conseil
85.	Paragraphe 43 (1)	1. Attribution du pouvoir d'inspection à des employés par le président de la Commission 2. Mention de la Commission — employeur des employés nommés inspecteurs	1. Registraire 2. Conseil
86.	Paragraphe 55 (1)	Mention de la Commission — approbation d'un autre jour pour la tenue d'un scrutin municipal	Conseil
87.	Paragraphe 58 (1)	Mention de la Commission — réception des résultats du scrutin municipal	Registraire
88.	Paragraphe 58 (2)	Publication des résultats du scrutin municipal par la Commission	Registraire
89.	Paragraphe 61 (9)	Mention de la Commission — connaissance des faits qui ont donné lieu à l'instance	Registraire
90.	Disposition 9 du paragraphe 62 (1)	Mention de la Commission — réception des renseignements et des rapports	Registraire
91.	Disposition 10 du paragraphe 62 (1)	Mention de la Commission — approbation des annonces publicitaires	Conseil
92.	Disposition 16 du paragraphe 62 (1)	Mention de la Commission — conduite des instances	Conseil
93.	Disposition 19 du paragraphe 62 (1)	Mention de la Commission — prolongation des heures de vente d'alcool	Conseil
94.	Disposition 24 du paragraphe 62 (1)	Mention de la Commission — approbation des cours de formation	Conseil
95.	Disposition 25 du paragraphe 62 (1)	Mention de la Commission — approbation de l'agrandissement temporaire des locaux	Registraire
96.	Disposition 26 du paragraphe 62 (1)	Mention de la Commission — exemption de l'obligation de fournir des renseignements	Registraire
97.	Disposition 27 du paragraphe 62 (1)	Mention de la Commission — approbation de la possession, du service ou de la consommation d'alcool à des fins de recherche	Conseil

**ONTARIO REGULATION 62/98**  
made under the  
**LIQUOR LICENCE ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 718 of R.R.O. 1990  
(General)

**Note:** Regulation 718 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 2 of Regulation 718 of the Revised Regulations of Ontario, 1990 is amended by striking out "Board" at the end and substituting "Registrar of Alcohol and Gaming".**

**2. Paragraph 2 of subsection 2.1 (2) of the Regulation is amended by striking out "Board" and substituting "Registrar of Alcohol and Gaming".**

**3. Subsections 6 (1) and (5) of the Regulation are revoked and the following substituted:**

(1) The board of the Alcohol and Gaming Commission of Ontario may approve the possession, service or consumption of liquor for research or educational purposes in the circumstances described in this section.

(5) The applicant for the approval must undertake to supervise the possession, service and consumption of liquor.

**ONTARIO REGULATION 63/98**  
made under the  
**LIQUOR LICENCE ACT**

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 719 of R.R.O. 1990  
(Licences to Sell Liquor)

**Note:** Since January 1, 1997, Regulation 719 has been amended by Ontario Regulations 171/97, 305/97, 347/97 and 522/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 3 of Regulation 719 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**3. Before issuing a licence to sell liquor, the Registrar of Alcohol and Gaming may require that the applicant and employees of the applicant take a course on server training approved by the board of the Alcohol and Gaming Commission of Ontario.**

**2. Section 4 of the Regulation is revoked and the following substituted:**

**4. Subject to section 13 of the Act, a licence to sell liquor expires on such date, determined by the Registrar of Alcohol and Gaming, as is set out in the licence.**

**3. Subsection 5 (1) of the Regulation is revoked and the following substituted:**

(1) An application for the issue or renewal of a licence to sell liquor must be on a form supplied by the Registrar of Alcohol and Gaming.

**4. Subsection 6 (4) of the Regulation is revoked and the following substituted:**

(4) The advertisement must state the date by which written objections to the issuance of the licence must be received by the Registrar of Alcohol and Gaming.

**5. (1) Subsection 7 (2) of the Regulation is amended by striking out "Board" and substituting "Registrar of Alcohol and Gaming".**

(2) Subsection 7 (6) of the Regulation is amended by striking out "Board" at the end and substituting "Registrar of Alcohol and Gaming".

**6. (1) Subsection 7.1 (1) of the Regulation is amended by striking out "Board" in the second line and substituting "board of the Alcohol and Gaming Commission of Ontario".**

(2) Subsection 7.1 (2) of the Regulation is amended by striking out "Board" in the first line and substituting "board of the Alcohol and Gaming Commission of Ontario".

**7. (1) Subsection 11.2 (7) of the Regulation is amended by striking out "Board" in the third line and substituting "Registrar of Alcohol and Gaming".**

(2) Subsection 11.2 (9) of the Regulation is amended by striking out "the portion before clause (a) and substituting the following:

(9) The licence holder shall report to the Registrar as soon as possible after September 30, 1998 or at any other time at his or her request,

**8. Clauses 15 (2) (a) and (b) of the Regulation are amended by striking out "Board" wherever it occurs and substituting in each case "Registrar of Alcohol and Gaming".**

**9. Subsection 16 (2) of the Regulation is amended by striking out "Board" in the first line and in the second line and substituting in each case "Registrar of Alcohol and Gaming".**

**10. Subsection 20 (7) of the Regulation is amended by striking out "Board" at the end and substituting "board of the Alcohol and Gaming Commission of Ontario".**

**11. Subsections 26 (1) and (2) of the Regulation are amended by striking out in each case "Board" in the first line and substituting in each case "board of the Alcohol and Gaming Commission of Ontario".**

**12. Subsection 28 (2) of the Regulation is amended by striking out "Board" in the fourth line and substituting "Registrar of Alcohol and Gaming".**

**13. (1) Paragraph 5 of subsection 41 (5) of the Regulation is revoked and the following substituted:**

5. A photo card issued by the board of the Alcohol and Gaming Commission of Ontario.

(2) Subsection 41 (6) of the Regulation is amended by striking out "Board" in the first line and substituting "Registrar of Alcohol and Gaming".

**14. Section 42 of the Regulation is revoked and the following substituted:**

42. (1) At the request of an inspector designated under section 43 of the Act, the licence holder shall request evidence as to the age of a person on the premises to which the licence applies.

(2) The inspector may make the request if he or she believes that the person may be less than 19 years of age.

**15. Clause 44 (1) (c) of the Regulation is revoked and the following substituted:**

(c) an employee of the Alcohol and Gaming Commission of Ontario.

**16. Subsection 47 (4) of the Regulation is revoked and the following substituted:**

(4) The licence holder shall notify the Registrar of Alcohol and Gaming of the location of any liquor stored away from the premises.

**17. Section 49 of the Regulation is revoked and the following substituted:**

49. The licence holder shall not alter the boundaries of the premises to which the licence applies without the prior written consent of the Registrar of Alcohol and Gaming.

**18. Subsection 55 (1) of the Regulation is revoked and the following substituted:**

(1) If a licence is suspended, the licence holder shall post a sign provided by the Registrar of Alcohol and Gaming concerning the suspension and shall ensure that the sign remains posted throughout the suspension.

**19. Subsection 56 (1) of the Regulation is revoked and the following substituted:**

(1) A licence holder who ceases to operate the business shall immediately surrender the licence to the Registrar of Alcohol and Gaming.

**20. Subsection 64 (2) of the Regulation is revoked and the following substituted:**

(2) The licence holder shall ensure that employees take a course on server training approved by the board of the Alcohol and Gaming Commission of Ontario.

**21. Paragraph 3 of section 75.1 of the Regulation is revoked and the following substituted:**

3. Employees involved in the sale and service of liquor from motorized vending carts, as well as course marshals, must take a course on server training approved by the board of the Alcohol and Gaming Commission of Ontario.

**22. Subsection 76 (2) of the Regulation is revoked and the following substituted:**

(2) The Registrar of Alcohol and Gaming is exempt from subsection 7 (1) of the Act in respect to an application for a liquor sales licence with respect to a stadium.

**23. (1) Clauses 80 (1) (a) and (b) of the Regulation are amended by striking out "approved by the Board" wherever it occurs and substituting "approved by the board of the Alcohol and Gaming Commission of Ontario."**

(2) Subsection 80 (2) of the Regulation is amended by striking out "The Board" at the beginning and substituting "The board of the Alcohol and Gaming Commission of Ontario".

(3) Subsection 80 (2.1) of the Regulation is amended by striking out "the Board" in the first line and substituting "the board of the Alcohol and Gaming Commission of Ontario".

**24. (1) Subsection 80.1 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(1) The board of the Alcohol and Gaming Commission of Ontario may exempt a licence holder from complying with the conditions of subsection 79 (3) if the licence holder requests an exemption from those conditions and files with the board,

**(2) Subsection 80.1 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) The licence holder is entitled to an exemption under subsection (1) unless the board of the Alcohol and Gaming Commission of Ontario is of the opinion that,

**25. Section 86 of the Regulation is amended by striking out "approved by the Board" in the last line and substituting "approved by the board of the Alcohol and Gaming Commission of Ontario".**

**26. (1) Subsection 87 (1) of the Regulation is revoked and the following substituted:**

(1) The holder of a licence to sell liquor shall not advertise liquor or the availability of liquor without the prior approval of the Registrar of Alcohol and Gaming.

**(2) Subsection 87 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) In an advertisement, a licence holder may, without prior approval of the Registrar of Alcohol and Gaming,

**27. (1) Subsection 88 (1) of the Regulation is amended by striking out "A licence holder shall provide to the Board" at the beginning and substituting "A licence holder shall provide to the Registrar of Alcohol and Gaming".**

**(2) Subsection 88 (2) of the Regulation is revoked and the following substituted:**

(2) Upon request, the licence holder shall provide to the Registrar of Alcohol and Gaming a revised list of prices within five days after the change in prices or products is made.

**28. Section 89 of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

89. A licence holder shall provide upon request to an inspector designated under section 43 of the Act,

**29. Section 90 of the Regulation is revoked and the following substituted:**

90. A holder of a mini bar licence or of a liquor sales licence with a mini bar endorsement shall provide upon request to an inspector designated under section 43 of the Act a record of mini bar sales.

30. (1) Subsection 91 (1) of the Regulation is amended by striking out "to the Board" in the portion before clause (a) and substituting "to the Registrar of Alcohol and Gaming".

(2) Subsection 91 (2) of the Regulation is amended by striking out "to the Board" in the third line and substituting "to the Registrar of Alcohol and Gaming".

31. (1) Subsection 92 (1) of the Regulation is revoked and the following substituted:

(1) A licence holder mentioned in subsection 76 (1) shall provide to the Registrar of Alcohol and Gaming a schedule of the events during which liquor will be sold and served at the stadium.

(2) Subsection 92 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(2) The licence holder shall provide the Registrar of Alcohol and Gaming with details respecting,

32. Section 92.1 of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

92.1 A licence holder who sells or serves liquor to patrons seated in the tiered seats of a stadium shall report to the Registrar of Alcohol and Gaming, at the conclusion of the season or at any other time at his or her request, on,

33. Section 93 of the Regulation is amended by striking out "the Board" in the fourth line and substituting "the Registrar of Alcohol and Gaming".

34. Subsection 94 (4) of the Regulation is amended by striking out "Board" in the second last line and substituting "Registrar of Alcohol and Gaming".

35. Subsection 95 (6) of the Regulation is amended by striking out "Board" in the fourth line and substituting "Registrar of Alcohol and Gaming".

36. Section 96 of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

96. For the purposes of subsection 18 (1) of the Act (temporary transfer of licence), the Registrar of Alcohol and Gaming may transfer a licence,

37. Section 97 of the Regulation is revoked and the following substituted:

97. The Registrar of Alcohol and Gaming may approve a temporary physical extension of the premises to which a licence to sell liquor applies for a period of 14 days or less if the extension is adjacent to the premises to which the licence applies.

38. Section 98.3 of the Regulation is amended by striking out "The Board" at the beginning and substituting "The Registrar of Alcohol and Gaming".

39. (1) Subsections 99 (1), (2), (5) and (6) of the Regulation are amended by striking out "The Board is exempt" at the beginning in each case and substituting "The Registrar of Alcohol and Gaming" in each case.

(2) Subsection 99 (3) of the Regulation is amended by striking out "the Board is exempt" in the third line and substituting "the Registrar of Alcohol and Gaming is exempt".

(3) Subsection 99 (7) of the Regulation is amended by striking out "the Board is exempt" at the beginning and substituting "The board of the Alcohol and Gaming Commission of Ontario is exempt".

40. Subsection 101 (2) of the Regulation is amended by striking out "Board" in third line and substituting "Registrar of Alcohol and Gaming".

41. (1) Subsection 104 (3) of the Regulation is amended by striking out "as designated by the Board" in the second line and substituting "as designated by the Registrar of Alcohol and Gaming".

(2) Subsection 104 (6) of the Regulation is amended by striking out "Board" in the second line and substituting "Registrar of Alcohol and Gaming".

9/98

# ONTARIO REGULATION 64/98 made under the LIQUOR LICENCE ACT

Made: February 11, 1998  
Filed: February 13, 1998

Amending Reg. 720 of R.R.O. 1990  
(Manufacturers' Licences)

Note: Regulation 720 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 2 (2) of Regulation 720 of the Revised Regulations of Ontario, 1990 is amended by striking out "member or an employee of the Board" at the end and substituting "member of the board of the Alcohol and Gaming Commission of Ontario or employee of the Alcohol and Gaming Commission of Ontario".

2. Sections 5, 7, 8 and 10 of the Regulation are revoked and the following substituted:

5. A manufacturer is required to obtain the approval of the Registrar of Alcohol and Gaming for advertisements intended to attract public attention to the manufacturer's liquor products.

7. A manufacturer who is required under the Act to maintain books and records shall keep them in Ontario and shall notify the Registrar of Alcohol and Gaming where they are kept.

8. A holder of a manufacturer's licence shall provide the Registrar of Alcohol and Gaming with the financial information he or she requires concerning the activities of persons who hold licences to represent the manufacturer or the advertising and promotional activities of the manufacturer.

10. (1) A manufacturer of beer shall forward to the Registrar of Alcohol and Gaming every month a return, in a form approved by the Registrar, showing the gross amount of the manufacturer's beer sales.

(2) A manufacturer of beer shall forward to the Registrar of Alcohol and Gaming upon request a return showing the gross amount of sales for the period requested.



3. Subsection 14 (3) of the Regulation is amended by striking out "as designated by the Board" in the second line and substituting "as designated by the Registrar of Alcohol and Gaming".

4. Subsection 15 (2) of the Regulation is amended by striking out "as designated by the Board" in the second line and substituting "as designated by the Registrar of Alcohol and Gaming".

5. Subsection 17 (2) of the Regulation is amended by striking out "as designated by the Board" in the third line and substituting "as designated by the Registrar of Alcohol and Gaming".

6. (1) Subsection 18 (3) of the Regulation is amended by striking out "as designated by the board" in the third line and substituting "as designated by the Registrar of Alcohol and Gaming".

(2) Subsection 18 (4) of the Regulation is revoked and the following substituted:

(4) If a fee is not paid on or before the day it is due, the board of the Alcohol and Gaming Commission of Ontario may require the manufacturer to pay the full basic fee determined under subsection 16 (2).

7. (1) Subsection 19 (3) of the Regulation is amended by striking out "as designated by the Board" in the third line and substituting "as designated by the Registrar of Alcohol and Gaming".

(2) Subsection 19 (4) of the Regulation is revoked and the following substituted:

(4) If a fee is not paid on or before the day it is due, the board of the Alcohol and Gaming Commission of Ontario may require the manufacturer to pay the full basic fee determined under subsection 16 (2).

8. Subsection 20 (2) of the Regulation is amended by striking out "as designated by the Board" in the second line and substituting "as designated by the Registrar of Alcohol and Gaming".

9. Subsection 20.1 (2) of the Regulation is amended by striking out "as designated by the Board" in the second line and substituting "as designated by the Registrar of Alcohol and Gaming".

10. (1) Subsections 21 (1) and (1.1) are amended by striking out "The Board" at the beginning in each case and substituting "The board of the Alcohol and Gaming Commission of Ontario".

(2) Paragraph 1 of subsection 21 (1.1) is revoked and the following substituted:

1. The length of time between the due date for payment of the required fees and the date the board of the Alcohol and Gaming Commission of Ontario receives the manufacturer's offer to pay or actual payment.

(3) Subsection 21 (4) of the Regulation is amended by striking out "Board" in the second line and substituting "Registrar of Alcohol and Gaming".

## ONTARIO REGULATION 65/98 made under the LIQUOR LICENCE ACT

Made: February 11, 1998

Filed: February 13, 1998

Amending Reg. 721 of R.R.O. 1990  
(Possession of Liquor in Conservation Areas Operated  
by the Halton Region Conservation Authority)

Note: Regulation 721 has not previously been amended.

1. Subsection 2 (1) of Regulation 721 of the Revised Regulations of Ontario, 1990 is amended by striking out "Board" in the second line and substituting "Registrar of Alcohol and Gaming".

9/98

## ONTARIO REGULATION 66/98 made under the LIQUOR LICENCE ACT

Made: February 11, 1998

Filed: February 13, 1998

Amending O. Reg. 389/91  
(Special Occasion Permits)

Note: Ontario Regulation 389/91 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 3.1 (1) of Ontario Regulation 389/91 is revoked and the following substituted:

(1) An application for a special occasion permit shall be made on a form provided by the Registrar of Alcohol and Gaming.

2. (1) Subsection 4 (1) of the Regulation is amended by striking out "Board" at the beginning and in the second line of clauses (a) and (b) and substituting in each case "Registrar of Alcohol and Gaming".

(2) Subsection 4 (2) of the Regulation is amended by striking out "The Board" at the beginning and substituting "The Registrar of Alcohol and Gaming".

3. Subsections 5 (1) and (2) of the Regulation are amended by striking out "The Board" at the beginning in each case and substituting "The Registrar of Alcohol and Gaming".

4. Paragraph 2 of section 6 of the Regulation is revoked and the following substituted:

2. Inspectors designated under section 43 of the Act and employees of the Liquor Control Board of Ontario whose responsibilities include the considering of applications for special occasion permits.

5. (1) Subsection 7 (1) of the Regulation is amended by striking out "Board" at the end and substituting "Registrar of Alcohol and Gaming".

(2) Subsection 7 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(2) In an advertisement, a permit holder may, without the prior approval of the Registrar of Alcohol and Gaming,



(3) Subsection 7 (3) of the Regulation is amended by striking out "Board" in the second line and substituting "Registrar of Alcohol and Gaming".

6. (1) Subsection 24 (1) of the Regulation is amended by striking out "The Board" at the beginning and substituting "The Registrar of Alcohol and Gaming".

(2) Subsections 24 (3) and (4) of the Regulation are amended by striking out "Board" in the first line in each case and substituting "board of the Alcohol and Gaming Commission of Ontario".

7. Paragraph 5 of subsection 29 (5) of the Regulation is amended by striking out "Board" at the end and substituting "board of the Alcohol and Gaming Commission of Ontario".

8. Section 30 of the Regulation is revoked and the following substituted:

30. (1) At the request of an employee of the Alcohol and Gaming Commission of Ontario, the permit holder shall request evidence as to age of any person in the premises to which the permit applies.

(2) The employee may make the request if he or she believes that the person may be less than 19 years of age.

9. Clause 31 (1) (b) of the Regulation is revoked and the following substituted:

(b) an employee of the Alcohol and Gaming Commission of Ontario.

10. (1) Subsection 36 (2) of the Regulation is amended by striking out "Board" at the end and substituting "Registrar of Alcohol and Gaming".

(2) Subsection 36 (4) of the Regulation is revoked and the following substituted:

(4) The designated person shall not be the subject of an order of the board of the Alcohol and Gaming Commission of Ontario prohibiting the issuance of a permit to that person.

11. Subsections 38 (3) of the Regulation is revoked and the following substituted:

(3) The holder of an auction permit shall give a copy of the acknowledgement to the Registrar of Alcohol and Gaming within 14 days after the auction.

12. Subsection 39 (2) of the Regulation is revoked and the following substituted:

(2) The permit holder shall keep the records for six months and shall provide them to the Registrar of Alcohol and Gaming upon request.

13. Section 40 of the Regulation is revoked and the following substituted:

40. The permit holder or, in the case of an organization, the person who applied for the permit shall, upon request, make a written report to the Registrar of Alcohol and Gaming within 48 hours after an event is held, stating the amount of liquor that was purchased for the event and the amount of liquor that was not consumed at the event.

## ONTARIO REGULATION 67/98 made under the COMMODITY BOARDS AND MARKETING AGENCIES ACT

Made: February 11, 1998

Filed: February 13, 1998

Revoking Reg. 89 of R.R.O. 1990  
(Levies or Charges—Turkeys)

1. Regulation 89 of the Revised Regulations of Ontario, 1990 is revoked.

9/98

## ONTARIO REGULATION 68/98 made under the COMMODITY BOARDS AND MARKETING AGENCIES ACT

Made: February 11, 1998

Filed: February 13, 1998

### LEVIES OR CHARGES—TURKEY

1. In this Regulation,

"marketing agency" means The Canadian Turkey Marketing Agency constituted under the *Farm Products Agencies Act* (Canada);

"turkey" means a turkey, any class of turkey or part of a turkey produced in Ontario.

2. (1) Subject to subsection (2), the marketing agency is authorized, in relation to the marketing of turkey locally within Ontario,

(a) to fix, impose and collect levies or charges from persons engaged in the production or marketing of turkey in Ontario;

(b) to classify persons into groups and fix the levies or charges payable by the members of the different groups in different amounts; and

(c) to use the revenue from the levies or charges for the purpose of the marketing agency including the creation of reserves.

(2) The authority granted under subsection (1),

(a) is limited to fixing, imposing or collecting a levy or charge of not more than 1.3 cents per kilogram of turkey, live weight; and

(b) does not include the authority to fix, impose or collect levies or charges granted to The Ontario Turkey Producers' Marketing Board by Ontario Regulation 69/98.

3. Every person who receives turkey shall deduct from the money payable for the turkey any levies or charges payable to the marketing agency by the person from whom the turkey is received and shall forward the amount collected to The Ontario Turkey Producers' Marketing Board within 10 days after the Friday of the week in which the turkey is received.

4. The marketing agency shall, at any time during normal office hours, make available to an auditor designated by the Ontario Farm Products Marketing Commission all books of account, records and documents relating to the receipt of funds under this Regulation and expenditures from those funds.

**ONTARIO REGULATION 69/98**  
made under the  
**COMMODITY BOARDS AND MARKETING**  
**AGENCIES ACT**

Made: February 11, 1998

Filed: February 13, 1998

**LEVIES OR CHARGES—TURKEY (OVER QUOTA)**

**1. In this Regulation,**

“commodity board” means The Ontario Turkey Producers’ Marketing Board constituted under the *Farm Products Marketing Act*;

“turkey” means a turkey, any class of turkey or part of a turkey produced in Ontario.

**2. (1)** Subject to subsection (2), the commodity board is authorized, in relation to the marketing of turkey locally within Ontario,

- (a) to fix, impose and collect levies or charges from persons engaged in the production or marketing of turkey in Ontario;
- (b) to classify persons into groups and fix the levies or charges payable by the members of the different groups in different amounts; and
- (c) to use the revenue from the levies or charges for the purpose of the marketing agency including the creation of reserves, the payment of expenses and losses resulting from the sale or other disposal of turkey and the equalization or adjustment among producers of turkey of money realized from turkey sales.

**(2)** Levies may be imposed and collected only on,

- (a) turkey produced by a producer in excess of the marketing quota allotted to the producer by the commodity board under the *Farm Products Marketing Act*; and

- (b) turkey produced by a producer to whom the commodity board has not allotted a quota.

**3.** Every person who receives turkey shall deduct from the money payable for the turkey any levies or charges payable to the commodity board by the person from whom the turkey is received and shall forward the amount collected to the commodity board within 10 days after the Friday of the week in which the turkey is received.

9/98

**ONTARIO REGULATION 70/98**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: February 11, 1998

Filed: February 13, 1998

**TURKEY—EXTENSION OF POWERS OF THE**  
**CANADIAN TURKEY MARKETING AGENCY**

**1. In this Regulation,**

“turkey” means a turkey, any class of turkey or part of a turkey produced in Ontario.

**2.** The Canadian Turkey Marketing Agency is authorized to regulate the marketing within Ontario of turkey in the manner set out in section 3.

**3.** For the purpose of regulating the marketing of turkey within Ontario, the Canadian Turkey Marketing Agency may exercise, with respect to the turkey marketed, the powers that it may exercise with the respect to turkey marketed in interprovincial or export trade under clauses 22 (1) (d), (j), (k) and (m) of the *Farm Products Agencies Act* (Canada).

9/98

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1997—03—07

## ONTARIO REGULATION 71/98 made under the PLANNING ACT

Made: February 16, 1998  
Filed: February 16, 1998

Amending O. Reg. 563/96

(Withdrawal and Delegation of Minister's Authority—  
Regional Municipality of York and Town of Richmond Hill)

Note: Ontario Regulation 563/96 has not previously been amended.

1. Schedule 1 to Ontario Regulation 563/96 is amended by adding the following file number:

19T-93025(B)

2. This Regulation comes into force on February 16, 1998.

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on February 16, 1998.

10/98

## ONTARIO REGULATION 72/98 made under the PLANNING ACT

Made: February 16, 1998  
Filed: February 16, 1998

### DELEGATION OF AUTHORITY— TOWN OF COBOURG

1. (1) The authority of the Minister under the following provisions is delegated to the council of The Corporation of the Town of Cobourg with respect to all applications made on or after February 16, 1998 for land in the Town of Cobourg.

1. Section 51 of the Act, to approve a plan of subdivision.
2. Section 50 of the *Condominium Act*, to approve or exempt a condominium description.
3. Subsection 305 (2) of the *Municipal Act*.
4. Subsection 88 (3) of the *Registry Act*.
5. Section 146 of the *Land Titles Act*.

(2) The authority of the Minister under subsection 297 (10) of the *Municipal Act* is delegated to the council of The Corporation of the Town of Cobourg with respect to all by-laws passed on or after February 16, 1998 for land in the Town of Cobourg.

2. All authority of the Minister under the Act to approve a plan of subdivision and section 50 of the *Condominium Act* to approve or exempt a condominium description is delegated to the council of The Corporation of the Town of Cobourg with respect to applications made before February 16, 1998 whose file numbers are set out in the Schedule.

3. (1) If any authority delegated under section 1 or 2 is in turn delegated to a committee of the council or to an appointed officer under subsection 5 (1) of the Act, the council shall forward to the Minister a certified copy of the by-law within 15 days of its passing.

(2) The delegations of authority set out in this Regulation are not terminated by reason only that the condition set out in subsection (1) is not complied with.

4. This Regulation comes into force on February 16, 1998.

### Schedule

14-T-88022	14-T-95004
14-T-89020	14-T-96001
14-T-95001	14-T-97001
14-T-95002	14-T-89013

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on February 16, 1998.

10/98

## ONTARIO REGULATION 73/98 made under the PLANNING ACT

Made: February 16, 1998  
Filed: February 17, 1998

### ZONING AREAS—TOWNSHIP OF KING, REGIONAL MUNICIPALITY OF YORK

1. (1) On and after February 23, 1998 this Order shall be deemed for all purposes, except for the purposes of section 24 of the Act, to be a by-law passed by the council of the Township of King amending By-law No. 74-53 of the Township as it read on that day.

(2) The deemed by-law shall be referred to as By-law No. 97-96 of the Township.

2. Map No. 5 (Schomberg Area) of Schedule A to By-law 74-53 is amended by changing the zone symbols for the land shown in the Appendix to this Order from "Rural General (RU1)" to "General Industrial (M2)—Exception 17.10" and "Open Space and Conservation (O)—Exception 26.55" as shown in the Appendix, which Appendix shall form part of the By-law.

3. (1) Despite any section of By-law No. 74-53, on the land shown as "Exception—Section 17.10" on Schedule A of the By-law only the following uses are permitted:

1. A manufacturing or industrial establishment.
2. Commercial undertakings incidental to manufacturing.
3. Open storage of goods and materials.
4. Warehouses.
5. A recreational use.
6. All uses permitted in an Industrial Restricted (M1) Zone except that an obnoxious use as defined in subsection 3.103 of the By-law shall not be allowed.

(2) The zoning requirement for the land described in section 5 are as follows:

Minimum side yard - 30 metres

Minimum front yard - 30 metres

(For the purposes of the By-law, the front lot line shall be deemed to be that lot line abutting Highway No. 9.)

Height maximum - 18 metres

Landscaping - 10 metres wide in all required yards

Planting strip - 3.0 metres wide adjacent to all exposed sides of open storage areas

Open storage - permitted only within side yard or rear yard

- maximum area 1.0 ha

Parking - 1 space for each  
100 sq. m., for industrial uses

(3) Except as provided in this section, all other provisions relating to the General Industrial (M2) Zone continue to apply.

4. (1) Despite any section of By-law No. 74-53, on the land shown as "Exception—Section 26.55" on Schedule A of the By-law only the following uses are permitted:

1. Bird and animal sanctuaries.
2. Golf courses.
3. Public and private parks.
4. Walking trails.
5. An area for the protection of an environmental hazard such as land liable to flood or subject to very high water, steep slopes, gullies or land subject to wind or water erosion.
6. A conservation area primarily for the location of flood control, bank stabilization or erosion protection structures or projects.

(2) The northerly limits of the "Open Space and Conservation (O)" Zone shall be deemed to be the regional storm floodline established by the Lake Simcoe Region Conservation Authority as it applies to the land described in section 5.

5. This Order applies to the land in the Township of King in The Regional Municipality of York described as Part of Lot 35, Concession 8, more particularly as Block 1, Plan M-2028, except Part 1, Plan 65R-17077, being all of Parcel 1-1, Section M-2028 in the Land Registry Office for the Registry Division of York (No. 65) [Property Identifier 03399-0043 (LT)].

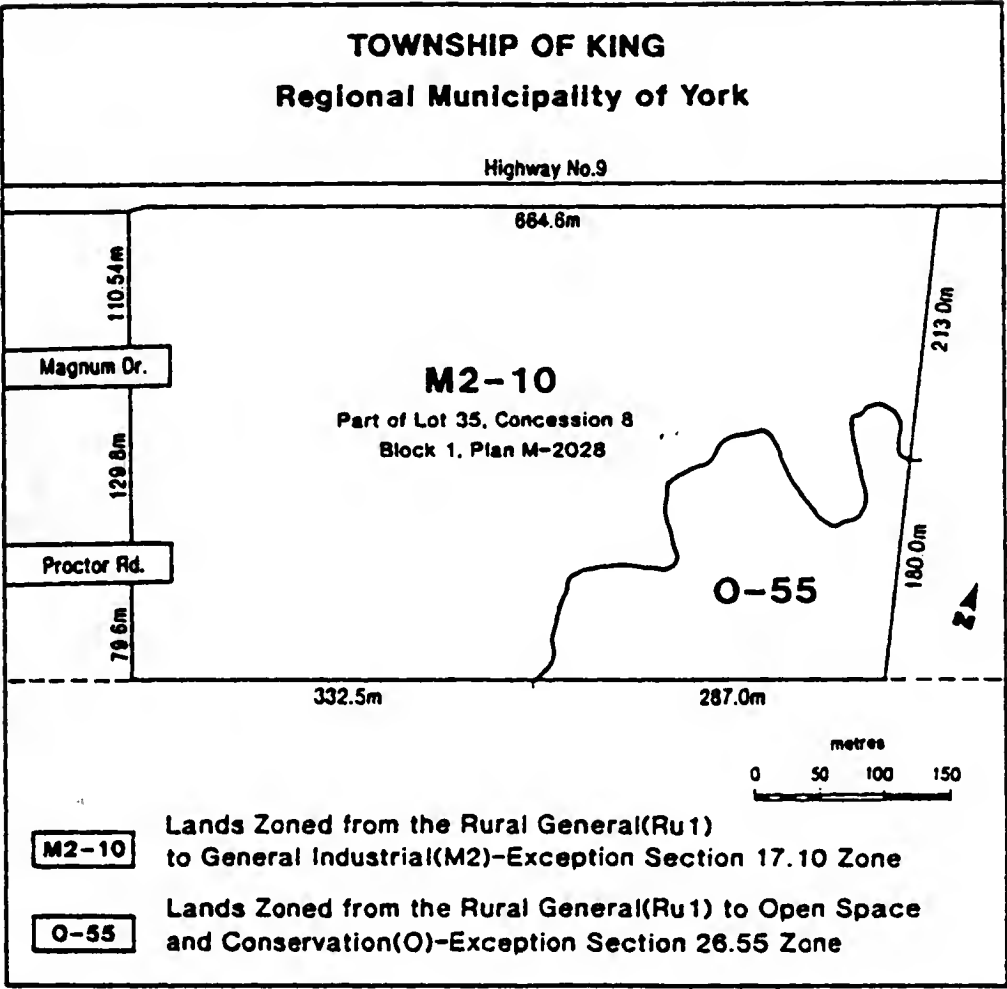
6. Ontario Regulation 524/97 is revoked.

7. This Order comes into force on February 23, 1998.

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on February 16, 1998.

Appendix



**ONTARIO REGULATION 74/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: February 12, 1998  
Filed: February 17, 1988

Amending Reg. 598 of R.R.O. 1990  
(Gross Weight on Bridges)

Note: Regulation 598 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 2 of Regulation 598 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

2. No person shall move a vehicle or combination of vehicles of a class described in Column 2 of Schedule 3,4,5,6, 9 or 10 on, over or upon a bridge described in Column 1 if the gross weight of the vehicle or combination of vehicles is greater than the weight in tonnes set opposite in Column 3.

**2. The Regulation is amended by adding the following Schedule:**

**Schedule 10**

**HAWKEYE CREEK AND HAWKEYE CREEK  
TRIBUTARY BRIDGES**

COLUMN 1	COLUMN 2	COLUMN 3
Bridge	Vehicle	Gross Weight Limit in Tonnes
1. Bridge No. 48W-240, known as the Hawkeye Creek Tributary Bridge, on that part of the King's Highway known as No. 589 located in the Township of Jacques, in the Territorial District of Thunder Bay, over the Hawkeye Creek Tributary	single unit	17 tonnes
	single vehicle with one towed vehicle	28 tonnes
	single vehicle with two towed vehicles	38 tonnes
2. Bridge No. 48W-241, known as the Hawkeye Creek Bridge, on that part of the King's Highway known as No. 589 located in the Township of Jacques, in the Territorial District of Thunder Bay, over the Hawkeye Creek	single unit	17 tonnes
	single vehicle with one towed vehicle	28 tonnes
	single vehicle with two towed vehicles	38 tonnes

TONY P. CLEMENT  
*Minister of Transportation*

Dated on February 12, 1998.

10/98

**ONTARIO REGULATION 75/98**  
made under the  
**PLANNING ACT**

Made: February 18, 1998  
Filed: February 18, 1998

Revoking O. Reg. 266/97  
(Removal of Authority—County of Essex)

**1. Ontario Regulation 266/97 is revoked on February 23, 1998.**

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on February 18, 1998.

10/98

**ONTARIO REGULATION 76/98**  
made under the  
**OPTICIANRY ACT, 1991**

Made: November 21, 1997  
Approved: February 18, 1998  
Filed: February 18, 1998

Amending O. Reg. 677/93  
(Fees)

Note: Ontario Regulation 677/93 has not previously been amended.

**1. Sections 1 and 2 of Ontario Regulation 677/93 are revoked and the following substituted:**

**1. The registration fee for the issue of a certificate of registration is as follows:**

1. Registered optician—\$335.
2. Registered student optician—\$25.
3. Registered intern optician—\$25.

**2. (1) The annual fee for the renewal of a certificate of registration for 1998 and subsequent years is as follows:**

1. Registered optician—\$435.
2. Registered student optician—\$50.
3. Registered intern optician—\$50.

**(2) The penalty for the late payment of an annual fee for renewal of a certificate of registration is as follows:**

1. Registered optician—\$100.
2. Registered student optician—\$25.
3. Registered intern optician—\$25.

COUNCIL OF THE COLLEGE OF OPTICIANS OF ONTARIO:

ROBIN R. SEARLE  
*Vice-Chair*

GORD HYLAND  
*Registrar and CAO*

Dated on November 21, 1997.

10/98

**ONTARIO REGULATION 77/98**  
made under the  
**MEDICINE ACT, 1991**

Made: January 16, 1998  
Approved: February 18, 1998  
Filed: February 18, 1998

Amending O. Reg. 114/94  
(General)

Note: Ontario Regulation 114/94 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsection 23 (1) of Ontario Regulation 114/94 is revoked and the following substituted:**

(1) The annual membership fee for the holder of a certificate of registration other than a certificate authorizing postgraduate education or supervised practice of a short duration is \$672.

(1.1) The annual membership fee for a certificate of registration authorizing postgraduate education is \$140.

(1.2) The annual membership fee for a certificate of registration authorizing supervised practice of a short duration is \$0.

COUNCIL OF THE COLLEGE OF PHYSICIANS  
AND SURGEONS OF ONTARIO:

DANIEL J. KRAFTCHECK  
*President*

JOHN M. BONN  
*Registrar*

Dated on January 16, 1998

10/98

**ONTARIO REGULATION 78/98**  
made under the  
**MUNICIPAL BOUNDARY NEGOTIATIONS ACT**

Made: February 18, 1998  
Filed: February 18, 1998

**CITY OF WOODSTOCK, TOWNSHIP OF  
BLANDFORD-BLENHEIM AND TOWNSHIP OF  
EAST ZORRA-TAVISTOCK BOUNDARY**

**1. (1) On March 1, 1998, the portion of the Township of Blandford-Blenheim described in Schedule 1 is annexed to the City of Woodstock.**

(2) All real property including any highway, street fixture, water-line, easement and restrictive covenant running with the land of The Corporation of the Township of Blandford-Blenheim situate in the area described in Schedule 1 vests in The Corporation of the City of Woodstock on March 1, 1998.

(3) Subject to subsection (2), all assets and liabilities located in the area described in Schedule 1 remain the assets and liabilities of the Township of Blandford-Blenheim.

2. (1) On March 1, 1998, the portion of the Township of East Zorra-Tavistock described in Schedule 2 is annexed to the City of Woodstock.

(2) All real property including any highway, street fixture, water-line, easement and restrictive covenant running with the land of The Corporation of the Township of East Zorra-Tavistock situate in the area described in Schedule 2 vests in The Corporation of the City of Woodstock on March 1, 1998.

(3) Subject to subsection (2), all assets and liabilities located in the area described in Schedule 2 remain the assets and liabilities of the Township of East Zorra-Tavistock.

3. On March 1, 1998, the by-laws of The Corporation of the City of Woodstock extend to the annexed area described in Schedule 1 and the by-laws of The Corporation of the Township of Blandford-Blenheim cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of Blandford-Blenheim,
- (i) that were passed under section 34 or 41 of the *Planning Act* or a predecessor of those sections,
- (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the City of Woodstock;

- (b) by-laws of The Corporation of the Township of Blandford-Blenheim that were passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and
- (c) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of Blandford-Blenheim.

4. On March 1, 1998, the by-laws of The Corporation of the City of Woodstock extend to the annexed area described in Schedule 2 and the by-laws of The Corporation of the Township of East Zorra-Tavistock cease to apply to such area, except,

- (a) by-laws of The Corporation of the Township of East Zorra-Tavistock,
- (i) that were passed under section 34 or 41 of the *Planning Act* or a predecessor of those sections,
- (ii) that were passed under the *Highway Traffic Act* or the *Municipal Act* that regulate the use of highways by vehicles and pedestrians and that regulate the encroachment or projection of buildings or any portion thereof upon or over highways,

which shall remain in force until repealed by the council of The Corporation of the City of Woodstock;

- (b) by-laws of The Corporation of the Township of East Zorra-Tavistock that were passed under section 45, 58 or 61 of the *Drainage Act* or a predecessor of those sections; and
- (c) by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of The Corporation of the Township of East Zorra-Tavistock.

5. (1) For the purpose of taxation on and after March 1, 1998 the part of the assessment roll for the Township of Blandford-Blenheim for the area described in Schedule 1 is deemed to form part of the assessment roll for the City of Woodstock and no longer forms part of the roll for the Township of Blandford-Blenheim.

(2) For the purpose of taxation on and after March 1, 1998, the part of the assessment roll for the Township of East Zorra-Tavistock for the area described in Schedule 1 is deemed to form part of the assessment roll for the City of Woodstock and no longer forms part of the roll for the Township of East Zorra-Tavistock.

6. (1) After March 1, 1998, the clerk of The Corporation of the Township of Blandford-Blenheim shall promptly prepare and furnish to the clerk of The Corporation of the City of Woodstock a special collector's roll showing all arrears of real property taxes or special rates assessed against the areas described in Schedule 1 up to and including February 28, 1998 and the persons assessed for them.

(2) After March 1, 1998, the clerk of The Corporation of the Township of East Zorra-Tavistock shall promptly prepare and furnish to the clerk of The Corporation of the City of Woodstock a special collector's roll showing all arrears of real property taxes or special rates assessed against the areas described in Schedule 2 up to and including February 28, 1998 and the persons assessed for them.

7. All real property taxes levied under any general or special Act and uncollected in the areas described in Schedules 1 and 2 which are due and unpaid on February 28, 1998 shall be after that date deemed to be taxes due and payable to The Corporation of the City Of Woodstock and may be collected by The Corporation of the City of Woodstock.

8. The rates of taxation for the City of Woodstock for municipal purposes that, but for this Regulation, would have applied in the areas described in Schedules 1 and 2, shall be decreased in 1998 by two-thirds and in 1999 by one third of the increase in the rates of taxation in the annexed area occurring in 1998 as a direct result of the annexation.

9. The agreement between The Corporation of the City of Woodstock and The Corporation of the Township of Blandford-Blenheim and The Corporation of the Township of East Zorra-Tavistock entered into on October 15, 1997 by the councils of The Corporation of the Township of East Zorra-Tavistock, The Corporation of the Township of Blandford-Blenheim, The Corporation of the City of Woodstock and The Corporation of the County of Oxford is hereby given effect to the extent it is included in this Regulation.

#### Schedule 1

Part of the Thames River in the former Township of Blandford, now in the Township of Blandford-Blenheim.

Commencing at the intersection of the production southerly of the eastern limit of PART 1, Plan 1178 with the centre of the Thames River.

Thence continuing southerly along the said production of the last-mentioned easterly limit to the northern limit of the Corporation of the City of Woodstock.

Thence south-westerly along the said Corporation limit to its intersection of the easterly production of the line between lots 2 and 3, concession 11, also being the said Corporation limit.

Thence westerly along the said line to the centre of the Thames River.

Thence north-easterly along the centre of the Thames River to the point of commencement.

#### Schedule 2

Part of lots 3, 4 and 5 concession 11, part of lot 3 concession 12, part of the road allowance between concessions 11 and 12, part of Block A, part of Block B, and part of Frederick Street, Plan 179 and part of the Thames River all in the former Township of East Zorra now in the Township of East Zorra-Tavistock.

Premising that bearings here are related to a portion of the northern limit of PART 1, Plan 41R-1476 being North 67 degrees 16 minutes 50 seconds East.

Commencing at a point on the northern limit of lot 5, concession 11 at the western corner of PART 4, Plan 41R-193.

Thence along the southern limit of the said PART 4 and the western limit of PART 3, Plan 41R-193 to the western limit of Plan 41R-228, also being the western limit of King's Highway 59.

Thence southerly along the western limits of PARTS 3, 5 and 4, Plan 41R-228 to and along the western and south-western limits of Instrument A49108 to the eastern limit of lot 4 concession 11.

Thence southerly along the said eastern limit to the northern corner of PART 1, Plan 41R-5578.

Thence southerly along the eastern limits of PARTS 1, 5, 4 and 3, Plan 41R-5578 to the north-eastern angle of PART 1, Plan 1178.

Thence southerly along the eastern limit of PART 1, Plan 1178 to the northern bank of the Thames River, as shown on Plan 1178.

Thence southerly on the production of this last-mentioned eastern limit to the centre of the Thames River.

Thence south-westerly along the centre of the Thames River to its intersection with the easterly production of the line between lots 2 and 3, concession 11 also being the said Corporation limit.

Thence westerly along the said line to eastern limit of Registered Plan 590.

Thence northerly along the eastern limit of the said Plan 590 to the northern limit of PART 1, Plan 41R-1476.

Thence North 67 degrees, 16 minutes 50 seconds East along this last-mentioned limit 1102.83 feet.

Thence North 19 degrees 13 minutes 45 seconds West 1027.00 feet to the line between lots 3 and 4.

Thence easterly along the said lot line to the line between the east half and the west half of the said lot 4.

Thence along the said half lot line to and along the line between the east half and the west half of the said lot 5 to the said northern limit of lot 5.

Thence easterly along this last-mentioned limit to the point of commencement.

10/98



**ONTARIO REGULATION 79/98**  
made under the  
**EDUCATION ACT**

Made: February 18, 1998  
Filed: February 19, 1998

**BY-ELECTIONS**

1. In this Regulation,

"geographic area" means a geographic area established for the 1997 regular election under the Act.

2. This Regulation applies to by-elections, within the meaning of the *Municipal Elections Act, 1996*, held on or before March 31, 2000 to fill one or more offices on a district school board.

3. (1) Territory that is without municipal organization on the first day of the period described in paragraph 2 of subsection 65 (4) of the *Municipal Elections Act, 1996* and that is the same as or is a part of territory deemed to be a district municipality under section 15 of Ontario Regulation 250/97 is deemed to be a district municipality for the purposes of this Regulation.

(2) Territory that is without municipal organization on the first day of the period described in paragraph 2 of subsection 65 (4) of the *Municipal Elections Act, 1996* and that is the same as or is a part of territory deemed to be attached to a district municipality under section 15 of Ontario Regulation 250/97 is deemed to be attached to the same district municipality for the purposes of this Regulation.

4. (1) If a geographic area in which a by-election is to be held is composed of all or part of two or more municipalities, the nominations shall be submitted to the clerk of the municipality to whom nominations were submitted for the geographic area at the 1997 regular election, or to such other clerk as may have assumed his or her responsibilities in relation to by-elections.

(2) The clerk referred to in subsection (1) is the clerk for the purposes of section 76 of the *Municipal Elections Act, 1996*.

(3) As soon as possible after the closing of nominations, the clerk referred to in subsection (1) shall provide a list of certified candidates to the clerk of each municipality that is included in the geographic area.

(4) If the distance between the residence of a person seeking nomination and the office for submission of nominations is greater than 100 kilometres, the clerk referred to in subsection (1) shall delegate such of his or her powers as may be necessary to the clerk of the municipality in which the person resides to permit the person or the person's agent to file a nomination at the latter clerk's office.

(5) The clerk of each municipality in the geographic area is responsible for conducting the election in the municipality.

(6) The clerk of each municipality in the geographic area shall report the vote recorded to the clerk referred to in subsection (1), who shall prepare the final summary and announce the result of the vote.

(7) The clerk referred to in subsection (1) shall forward the results of the vote and the names of the candidates who have been elected to the Education Improvement Commission.

5. Officers appointed by a board have all the same powers and duties with respect to by-elections of members of the board in areas

**RÈGLEMENT DE L'ONTARIO 79/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 18 février 1998  
déposé le 19 février 1998

**ÉLECTIONS PARTIELLES**

1. La définition qui suit s'applique au présent règlement.

«région géographique» Région géographique établie aux fins de l'élection ordinaire de 1997 tenue aux termes de la Loi.

2. Le présent règlement s'applique aux élections partielles, au sens de la *Loi de 1996 sur les élections municipales*, qui sont tenues au plus tard le 31 mars 2000 en vue de combler un ou plusieurs postes vacants au sein d'un conseil scolaire de district.

3. (1) Le territoire qui n'est pas érigé en municipalité le premier jour de la période visée à la disposition 2 du paragraphe 65 (4) de la *Loi de 1996 sur les élections municipales* et qui constitue tout ou partie du territoire réputé une municipalité de district aux termes de l'article 15 du Règlement de l'Ontario 250/97 est réputé une municipalité de district pour l'application du présent règlement.

(2) Le territoire qui n'est pas érigé en municipalité le premier jour de la période visée à la disposition 2 du paragraphe 65 (4) de la *Loi de 1996 sur les élections municipales* et qui constitue tout ou partie du territoire réputé annexé à une municipalité de district aux termes de l'article 15 du Règlement de l'Ontario 250/97 est réputé annexé à la même municipalité de district pour l'application du présent règlement.

4. (1) Si la région géographique dans laquelle une élection partielle doit se tenir est composée de tout ou partie de deux municipalités ou plus, les déclarations de candidature sont déposées auprès du secrétaire de la municipalité auprès duquel les déclarations de candidature pour la région géographique ont été déposées lors de l'élection ordinaire de 1997 ou à l'autre secrétaire qui a assumé, le cas échéant, les responsabilités de ce dernier à l'égard des élections partielles.

(2) Le secrétaire visé au paragraphe (1) est le secrétaire pour l'application de l'article 76 de la *Loi de 1996 sur les élections municipales*.

(3) Aussitôt que possible après la clôture du dépôt des déclarations de candidature, le secrétaire visé au paragraphe (1) fournit une liste des candidats certifiés au secrétaire de chaque municipalité située dans la région géographique.

(4) Si la distance entre la résidence de la personne qui désire poser sa candidature et le bureau de dépôt des déclarations de candidature est supérieure à 100 kilomètres, le secrétaire visé au paragraphe (1) délègue au secrétaire de la municipalité où réside la personne les pouvoirs nécessaires pour permettre à cette dernière, ou à son représentant, de déposer une déclaration de candidature au bureau du secrétaire de la municipalité où elle réside.

(5) Le secrétaire de chaque municipalité située dans la région géographique est chargé de la tenue de l'élection dans la municipalité.

(6) Le secrétaire de chaque municipalité située dans la région géographique fait rapport des votes inscrits au secrétaire visé au paragraphe (1), qui prépare les dernières compilations et annonce les résultats du scrutin.

(7) Le secrétaire visé au paragraphe (1) fait parvenir les résultats du scrutin et les noms des candidats élus à la Commission d'amélioration de l'éducation.

5. Les agents nommés par un conseil exercent, à l'égard des élections partielles visant des postes au sein du conseil dans les territoires

deemed to be district municipalities as similar officers have in a municipality with respect to by-elections.

6. Officers of a municipality have all the same powers and duties with respect to by-elections of members of a board in areas deemed to be attached to the municipality as they have with respect to by-elections in any part of the area of jurisdiction of the board that is within the municipality.

7. A clerk of a municipality may delegate any of his or her powers and duties under this Regulation to election officials for another municipality, including officials acting under section 5 or 6 of this Regulation.

10/98

### ONTARIO REGULATION 80/98 made under the EDUCATION ACT

Made: February 18, 1998  
Filed: February 19, 1998

Amending O. Reg. 185/97  
(Establishment and Areas of Jurisdiction of  
District School Boards)

Note: Ontario Regulation 185/97 has been amended by Ontario Regulation 278/97.

1. The title of Ontario Regulation 185/97 is struck out and the following substituted:

### ESTABLISHMENT, AREAS OF JURISDICTION AND NAMES OF DISTRICT SCHOOL BOARDS

2. Section 2 of the Regulation is amended by adding at the end "unless otherwise specified in the Schedule".

3. (1) Paragraph 2 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 2" in the first and second lines and substituting "the Algoma District School Board".

(2) Paragraph 4 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 4" in the first and second lines and substituting "the Near North District School Board".

(3) Paragraph 5 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 5A" in the first and second lines and substituting "the Keewatin-Patricia District School Board".

(4) Paragraph 6 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 5B" in the first and second lines and substituting "the Rainy River District School Board".

(5) Paragraph 7 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 6A" in the first and second lines and substituting "the Lakehead District School Board".

(6) Paragraph 8 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No.

réputés des municipalités de district, les pouvoirs et fonctions qu'exercent, à l'égard des élections partielles, les fonctionnaires municipaux qui ont des attributions analogues.

6. Les fonctionnaires d'une municipalité exercent, à l'égard des élections partielles visant des postes au sein d'un conseil dans les territoires réputés annexés à la municipalité, les mêmes pouvoirs et fonctions qu'à l'égard des élections partielles qui se tiennent dans toute partie du territoire de compétence du conseil qui est située dans la municipalité.

7. Le secrétaire d'une municipalité peut déléguer les pouvoirs et fonctions que lui attribue le présent règlement au personnel électoral d'une autre municipalité, y compris le personnel électoral qui agit aux termes de l'article 5 ou 6 du présent règlement.

6B" in the first and second lines and substituting "the Superior-Greenstone District School Board".

(7) Paragraph 9 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 7" in the first and second lines and substituting "the Bluewater District School Board".

(8) Paragraph 10 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 8" in the first and second lines and substituting "the Avon Maitland District School Board".

(9) Paragraph 11 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 9" in the first and second lines and substituting "the Greater Essex County District School Board".

(10) Paragraph 13 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 11" in the first and second lines and substituting "the Thames Valley District School Board".

(11) Paragraph 14 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 12" in the first and second lines and substituting "the Toronto District School Board".

(12) Paragraph 15 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 13" in the first and second lines and substituting "the Durham District School Board".

(13) Paragraph 19 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 17" in the first and second lines and substituting "the Simcoe County District School Board".

(14) Paragraph 21 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 19" in the first and second lines and substituting "the Peel District School Board".

(15) Paragraph 23 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 21" in the first and second lines and substituting "the Hamilton-Wentworth District School Board".

(16) Paragraph 25 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 23"

in the first and second lines and substituting "the Grand Erie District School Board".

(17) Paragraph 26 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 24" in the first and second lines and substituting "the Waterloo Region District School Board".

(18) Paragraph 27 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 25" in the first and second lines and substituting "the Ottawa-Carleton District School Board".

(19) Paragraph 30 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 28" in the first and second lines and substituting "the Renfrew County District School Board".

(20) Paragraph 31 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 29" in the first and second lines and substituting "the Hastings and Prince Edward District School Board".

4. Section 5 of the Regulation is amended by adding at the end "unless otherwise specified in the Schedule".

5. (1) Paragraph 1 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 30A" in the first and second lines and substituting "the Northeastern Catholic District School Board".

(2) Paragraph 2 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 30B" in the first and second lines and substituting "the Nipissing-Parry Sound Catholic District School Board".

(3) Paragraph 3 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 31" in the first and second lines and substituting "the Huron-Superior Catholic District School Board".

(4) Paragraph 4 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 32" in the first and second lines and substituting "the Sudbury Catholic District School Board".

(5) Paragraph 5 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 33A" in the first and second lines and substituting "the Northwest Catholic District School Board".

(6) Paragraph 6 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 33B" in the first and second lines and substituting "the Kenora Catholic District School Board".

(7) Paragraph 7 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 34A" in the first and second lines and substituting "the Thunder Bay Catholic District School Board".

(8) Paragraph 8 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 34B" in the first and second lines and substituting "the Superior North Catholic District School Board".

(9) Paragraph 9 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No.

35" in the first and second lines and substituting "the Bruce-Grey Catholic District School Board".

(10) Paragraph 10 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 36" in the first and second lines and substituting "the Huron Perth Catholic District School Board".

(11) Paragraph 16 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 42" in the first and second lines and substituting "the York Catholic District School Board".

(12) Paragraph 18 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 44" in the first and second lines and substituting "the Simcoe Muskoka Catholic District School Board".

(13) Paragraph 19 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 45" in the first and second lines and substituting "the Durham Catholic District School Board".

(14) Paragraph 21 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 47" in the first and second lines and substituting "the Hamilton-Wentworth Catholic District School Board".

(15) Paragraph 22 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 48" in the first and second lines and substituting "the Wellington Catholic District School Board".

(16) Paragraph 23 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 49" in the first and second lines and substituting "the Waterloo Catholic District School Board".

(17) Paragraph 24 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 50" in the first and second lines and substituting "the Niagara Catholic District School Board".

(18) Paragraph 25 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 51" in the first and second lines and substituting "the Brant/Haldimand-Norfolk Catholic District School Board".

(19) Paragraph 27 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 53" in the first and second lines and substituting "the Ottawa-Carleton Catholic District School Board".

(20) Paragraph 28 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 54" in the first and second lines and substituting "the Renfrew County Catholic District School Board".

6. Section 8 of the Regulation is amended by adding at the end "unless otherwise specified in the Schedule".

7. Paragraph 2 of section 9 of the Regulation is amended by striking out "French-language Public District School Board No. 57" in the first and second lines and substituting "the Conseil scolaire de district du Grand Nord de l'Ontario".

8. Section 11 of the Regulation is amended by adding at the end "unless otherwise specified in the Schedule".

9. Section 13 of the Regulation is revoked and the following substituted:

13. (1) The name of each district school board listed in Column 1 of the Schedule is changed to the name listed opposite in Column 2 of the Schedule.

(2) A reference to a district school board using the name listed in Column 1 of the Schedule shall be construed as if it were a reference to the district school board using the name listed opposite in Column 2 of the Schedule.

(3) Subsection (2) applies to a reference in,

- (a) any document of legal effect made before the relevant name is changed under subsection (1); and
- (b) any document of legal effect made within 90 days after the relevant name is changed under subsection (1).

(4) For the purposes of subsection (3), a document includes but is not limited to a regulation, directive, order or agreement.

10. The Regulation is amended by adding the following Schedule:

#### Schedule

COLUMN 1 Old Name	COLUMN 2 New Name
English-language Public District School Board No. 2	Algoma District School Board
English-language Public District School Board No. 4	Near North District School Board
English-language Public District School Board No. 5A	Keewatin-Patricia District School Board
English-language Public District School Board No. 5B	Rainy River District School Board
English-language Public District School Board No. 6A	Lakehead District School Board
English-language Public District School Board No. 6B	Superior-Greenstone District School Board
English-language Public District School Board No. 7	Bluewater District School Board
English-language Public District School Board No. 8	Avon Maitland District School Board
English-language Public District School Board No. 9	Greater Essex County District School Board
English-language Public District School Board No. 11	Thames Valley District School Board
English-language Public District School Board No. 12	Toronto District School Board
English-language Public District School Board No. 13	Durham District School Board
English-language Public District School Board No. 17	Simcoe County District School Board
English-language Public District School Board No. 19	Peel District School Board
English-language Public District School Board No. 21	Hamilton-Wentworth District School Board

English-language Public District School Board No. 23	Grand Erie District School Board
English-language Public District School Board No. 24	Waterloo Region District School Board
English-language Public District School Board No. 25	Ottawa-Carleton District School Board
English-language Public District School Board No. 28	Renfrew County District School Board
English-language Public District School Board No. 29	Hastings and Prince Edward District School Board
English-language Separate District School Board No. 30A	Northeastern Catholic District School Board
English-language Separate District School Board No. 30B	Nipissing-Parry Sound Catholic District School Board
English-language Separate District School Board No. 31	Huron-Superior Catholic District School Board
English-language Separate District School Board No. 32	Sudbury Catholic District School Board
English-language Separate District School Board No. 33A	Northwest Catholic District School Board
English-language Separate District School Board No. 33B	Kenora Catholic District School Board
English-language Separate District School Board No. 34A	Thunder Bay Catholic District School Board
English-language Separate District School Board No. 34B	Superior North Catholic District School Board
English-language Separate District School Board No. 35	Bruce-Grey Catholic District School Board
English-language Separate District School Board No. 36	Huron Perth Catholic District School Board
English-language Separate District School Board No. 42	York Catholic District School Board
English-language Separate District School Board No. 44	Simcoe Muskoka Catholic District School Board
English-language Separate District School Board No. 45	Durham Catholic District School Board
English-language Separate District School Board No. 47	Hamilton-Wentworth Catholic District School Board
English-language Separate District School Board No. 48	Wellington Catholic District School Board
English-language Separate District School Board No. 49	Waterloo Catholic District School Board
English-language Separate District School Board No. 50	Niagara Catholic District School Board
English-language Separate District School Board No. 51	Brant/Haldimand-Norfolk Catholic District School Board
English-language Separate District School Board No. 53	Ottawa-Carleton Catholic District School Board
English-language Separate District School Board No. 54	Renfrew County Catholic District School Board
Conseil de district des écoles publiques de langue française n° 57	Conseil scolaire de district du Grand Nord de l'Ontario

**ONTARIO REGULATION 81/98**  
made under the  
**ONTARIO LOTTERY CORPORATION ACT**

Made: February 18, 1998  
Filed: February 19, 1998

**LOTTERY SCHEMES**

**1. In this Regulation,**

"game rules" means the rules established under section 2;

"vendor" means any person authorized by the Corporation to sell a lottery ticket or other means of participation in a particular lottery scheme.

**2.** The game rules governing the conduct and management of each lottery scheme, including promotional schemes, shall be established by the Corporation.

**3. (1)** The Corporation, may,

- (a) limit the participation of any person or group of persons in any lottery scheme; and
- (b) suspend, recall, withdraw or cancel all or any part of a lottery scheme at any time during the currency of that lottery scheme (including the applicable prize claim period) by use of such methods and on such conditions as the Corporation considers appropriate.

(2) If the Corporation acts under clause (1) (b), its liability to any person is limited to the amount paid by that person to a vendor to participate in the lottery scheme.

(3) No amount is payable under subsection (2) unless the ticket or such other evidence of participation or attempted participation as the Corporation may require is returned to the Corporation.

**4.** The Corporation shall maintain at its head office a copy of the game rules in respect of each lottery scheme and, upon the request of any person, shall make a copy of the relevant game rules available to that person.

**5. (1)** The game rules govern the lottery schemes and are binding upon all persons who participate in the lottery schemes and all vendors.

(2) It is a condition of participation in a lottery scheme that the participant agrees to be bound by the game rules.

**6. (1)** The Province of Ontario, the Corporation and the subsidiaries of the Corporation are not liable for the payment of a prize or purported prize in a lottery scheme which may cause the total amount of prizes available to be won in the lottery scheme, as prescribed in the game rules, to be exceeded.

(2) Subsection (1) applies despite any statement to the contrary implied or set out in any advertisement, lottery ticket or other evidence of participation in a lottery scheme.

**7.** No person, other than the Corporation, a subsidiary of the Corporation or a vendor, shall sell participation in a lottery scheme to the public.

**8.** Unless authorized by the Corporation, no vendor shall sell a lottery ticket or other means of participating in a lottery scheme, directly or indirectly, for a price other than,

- (a) in the case of a lottery ticket, the face amount shown on the ticket; or,
- (b) in the case of a video lottery scheme or other form of electronic lottery scheme, the amount indicated on the terminal.

**9. (1)** Unless otherwise designated by the Corporation in respect of a particular lottery scheme, the Corporation shall establish and maintain a prize reserve in an aggregate amount equal to the sum of the prizes available to be won in each lottery scheme.

(2) No payment, award or deduction shall be made against the prize reserve except to pay or award prizes to players.

(3) The monetary value of prizes available to be won which are not money prizes is the cost to the Corporation of such prizes, as calculated by the Corporation.

**10. (1)** No person is entitled to claim a prize in any lottery scheme if,

- (a) that person is or was ineligible to participate in the lottery scheme;
- (b) the ticket or other evidence of participation or attempted participation is unissued, not paid for, illegible, mutilated, altered, counterfeited or forged in whole or in part; or
- (c) the ticket or other evidence of participation or attempted participation is defective, misprinted, produced in error or incomplete.

(2) It is a condition for collecting any prize that the participant in the lottery scheme,

- (a) satisfy the Corporation that the participant is a winner;
- (b) give the Corporation the right to publish in any medium the participant's name, address and current photograph without any claim on the Corporation for broadcasting, printing, royalty or other rights; and
- (c) if required by the Corporation, give to the Corporation a valid release for the prize and undertake to make no further claim in respect of that prize in the lottery scheme.

**11.** The documentation prescribed for the purpose of clause 8.1 (5) (a) of the Act must reasonably appear to be a document issued by a government that contains a photograph of the person and the date of birth of the person and may include,

- (a) a driver's licence issued by the Province of Ontario with a photograph of the person to whom the licence is issued;
- (b) a Canadian passport;
- (c) a Canadian citizenship card with a photograph of the person to whom the card is issued;
- (d) a Canadian armed forces identification card; or
- (e) a photo card issued by the Alcohol and Gaming Commission of Ontario or, before the establishment of that Commission, the Liquor Licence Board of Ontario.

**12.** Despite any other section, if the Corporation conducts and manages a lottery scheme under clause 7 (b) of the Act, the lottery scheme shall be conducted and managed under the game rules established in accordance with the agreement entered into under that clause.



13. Regulation 885 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 630/92 are revoked.

10/98

**ONTARIO REGULATION 82/98**  
made under the  
**DEVELOPMENT CHARGES ACT, 1997**

Made: February 18, 1998

Filed: February 20, 1998

**GENERAL**

DEFINITIONS

1. (1) For the purposes of the Act and in this Regulation,

"existing industrial building" means a building used for or in connection with,

- (a) manufacturing, producing, processing, storing or distributing something,
- (b) research or development in connection with manufacturing, producing or processing something,
- (c) retail sales by a manufacturer, producer or processor of something they manufactured, produced or processed, if the retail sales are at the site where the manufacturing, production or processing takes place,
- (d) office or administrative purposes, if they are,
  - (i) carried out with respect to manufacturing, producing, processing, storage or distributing of something, and
  - (ii) in or attached to the building or structure used for that manufacturing, producing, processing, storage or distribution;

"gross floor area" means the total floor area, measured between the outside of exterior walls or between the outside of exterior walls and the centre line of party walls dividing the building from another building, of all floors above the average level of finished ground adjoining the building at its exterior walls.

(2) For the purposes of paragraph 3 of subsection 2 (4) of the Act,

"land for parks"

- (a) includes land for woodlots and land that is acquired because it is environmentally sensitive, and
- (b) does not include land for an enclosed structure used throughout the year for public recreation and land that is necessary for the structure to be used for that purpose, including parking and access to the structure.

EXCEPTION RELATING TO THE CREATION OF ADDITIONAL  
DWELLING UNITS

2. For the purposes of clause 2 (3) (b) of the Act, the following table sets out the name and description of the classes of residential buildings that are prescribed, the maximum number of additional dwelling units that are prescribed for buildings in those classes and the restrictions for each class.

NAME OF CLASS OF RESIDENTIAL BUILDING	DESCRIPTION OF CLASS OF RESIDENTIAL BUILDINGS	MAXIMUM NUMBER OF ADDITIONAL DWELLING UNITS	RESTRICTIONS
Single detached dwellings	Residential buildings, each of which contains a single dwelling unit, that are not attached to other buildings.	Two	The total gross floor area of the additional dwelling unit or units must be less than or equal to the gross floor area of the dwelling unit already in the building.
Semi-detached dwellings or row dwellings	Residential buildings, each of which contains a single dwelling unit, that have one or two vertical walls, but no other parts, attached to other buildings.	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the dwelling unit already in the building.
Other residential buildings	A residential building not in another class of residential building described in this table	One	The gross floor area of the additional dwelling unit must be less than or equal to the gross floor area of the smallest dwelling unit already in the building.

WHEN INTENTION TO MEET INCREASED NEED IS SHOWN

3. For the purposes of paragraph 3 of subsection 5 (1) of the Act, the council of a municipality has indicated that it intends to ensure that an increase in the need for service will be met if the increase in service forms part of an official plan, capital forecast or similar expression of the intention of the council and the plan, forecast or similar expression of the intention of the council has been approved by the council.

LEVEL OF SERVICE

4. (1) For the purposes of paragraph 4 of subsection 5 (1) of the Act, both the quantity and quality of a service shall be taken into account in determining the level of service and the average level of service.

(2) A geographic area of the municipality may be excluded in determining the service and average level of service if,

- (a) the service is not provided in the excluded geographic area; and
- (b) the excluded geographic area is identified in the by-law.

(3) If the average level of service determined is lower than the standard level of service required under another Act, the standard level of service required under the other Act may be deemed for the purposes of paragraph 4 of subsection 5 (1) of the Act to be the average level of service.

(4) Subject to subsection (2), if a development charge by-law applies to a part of the municipality, the level of service and average

level of service cannot exceed that which would be determined if the by-law applied to the whole municipality.

#### UNCOMMITTED EXCESS CAPACITY

5. For the purposes of paragraph 5 of subsection 5 (1) of the Act, excess capacity is uncommitted excess capacity unless, either before or at the time the excess capacity was created, the council of the municipality expressed a clear intention that the excess capacity would be paid for by development charges or other similar charges.

#### REDUCTIONS IN RESPECT OF CAPITAL GRANTS, ETC.

6. (1) If a capital grant, subsidy or other contribution has been made in respect of capital costs and, at the time the grant, subsidy or other contribution was made, the person making it expressed a clear intention that all or part of the grant, subsidy or other contribution be used to benefit existing development or new development, the capital costs determined under paragraph 7 of subsection 5 (1) of the Act shall be reduced by the amount of the grant, subsidy or other contribution, but only to the extent that the grant, subsidy or other contribution was intended to benefit new development.

(2) If subsection (1) does not apply, the capital costs determined under paragraph 7 of subsection 5 (1) of the Act shall be reduced by the amount of any grant, subsidy or other contribution made in respect of the capital costs in the same proportion as the increase in the need for service was reduced under paragraph 6 of subsection 5 (1) of the Act.

#### PRESCRIBED INDEX

7. The Statistics Canada Quarterly, *Construction Price Statistics*, catalogue number 62-007 is prescribed as the index for the purposes of paragraph 10 of subsection 5 (1) of the Act.

#### BACKGROUND STUDY

8. A development charge background study under section 10 of the Act shall set out the following for each service to which the development charge relates:

1. The total of the estimated capital costs relating to the service.
2. The allocation of the costs referred to in paragraph 1 between costs that would benefit new development and costs that would benefit existing development.
3. The total of the estimated capital costs relating to the service that will be incurred during the term of the proposed development charge by-law.
4. The allocation of the costs referred to in paragraph 3 between costs that would benefit new development and costs that would benefit existing development.
5. The estimated and actual value of credits that are being carried forward relating to the service.

#### NOTICE OF PUBLIC MEETING

9. (1) The notice of the public meeting the council is required to give under clause 12 (1) (b) of the Act shall be given in one of the following ways:

1. To every owner of land in the area to which the proposed by-law would apply, by personal service, fax or mail.
2. By publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the proposed

by-law would apply to give the public reasonable notice of the meeting.

(2) For the purposes of paragraph 1 of subsection (1), the owners are the owners shown on the last revised assessment roll, subject to any written notice of a change of ownership of land the clerk of the municipality may have received. A notice given by mail to an owner shall be mailed to the address shown on the last revised assessment roll or, if applicable, to the address shown on the notice of a change of ownership of land received by the clerk.

#### NOTICES OF DEVELOPMENT CHARGE BY-LAWS

10. (1) This section applies to the notices relating to the passage of a development charge by-law that the clerk of a municipality is required to give under section 13 of the Act.

(2) Notice shall be given in one of the following ways:

1. By personal service, fax or mail to every owner of land in the area to which the by-law applies.
2. By publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applies to give the public reasonable notice of the passing of the by-law.

(3) Subsection 9 (2) applies, with necessary modifications, for the purposes of paragraph 1 of subsection (2).

(4) In addition to the notice under subsection (2), notice shall be given, by personal service, fax or mail, to the following:

1. To every person and organization that has given the clerk of the municipality a written request for notice of the passing of the by-law and has provided a return address.
2. In the case of a by-law passed by the council of an area municipality, to the clerk of the upper tier municipality that the area municipality is in.
3. In the case of a by-law passed by the council of an upper tier municipality, to the clerks of the area municipalities within the upper tier municipality.
4. To the secretary of every school board having jurisdiction within the area to which the by-law applies.

(5) Each notice shall set out the following:

1. A statement that the council of the municipality has passed a development charge by-law.
2. A statement setting out when the by-law was passed and what its number is.
3. A statement that any person or organization may appeal the by-law to the Ontario Municipal Board under section 14 of the Act by filing with the clerk of the municipality a notice of appeal setting out the objection to the by-law and the reasons supporting the objection.
4. A statement setting out what the last day for appealing the by-law is.
5. An explanation of the development charges imposed by the by-law.
6. A description of the lands to which the by-law applies.

7. A key map showing the lands to which the by-law applies or an explanation of why a key map is not provided.
8. An explanation of where and when persons may examine a copy of the by-law.

#### MINIMUM INTEREST RATE

11. (1) The minimum interest rate that a municipality shall pay under subsections 18 (3) and 25 (2) of the Act and section 36 of the Act, in relation to a development charge by-law, is what the Bank of Canada rate is on the day the by-law comes into force.

(2) Despite subsection (1), if the by-law so provides, the minimum interest rate is what the Bank of Canada rate is on the day the by-law comes into force updated on the first business day of every January, April, July and October.

#### TREASURER'S STATEMENT

12. (1) The information described in subsection (2) is prescribed as information to be included in the statement of the treasurer of a municipality under section 43 of the Act. The information is in addition to the opening and closing balance for the previous year and the transactions relating to the year, as required by subsection 43 (2) of the Act.

(2) The information referred to in subsection (1) is the following, for each reserve fund:

1. A description of the service for which the fund was established. If the fund was established for a service category, the services in the category.
2. For the credits in relation to the service or service category for which the fund was established,
  - i. the amount outstanding at the beginning of the previous year, given in the year, used in the year and outstanding at the end of the year,
  - ii. the amount outstanding at the beginning of the previous year and outstanding at the end of the year, broken down by individual credit holder.
3. The amount of any money borrowed from the fund by the municipality during the previous year and the purpose for which it was borrowed.
4. The amount of interest accrued during the previous year on money borrowed from the fund by the municipality.
5. The amount and source of any money used by the municipality to repay, in the previous year, money borrowed from the fund or interest on such money.
6. A schedule that identifies credits recognized under section 17 and, for each credit recognized, sets out the value of the credit, the service against which the credit is applied and the source of funds used to finance the credit.

(3) The following is also prescribed as information to be included in the statement of the treasurer of a municipality under section 43 of the Act:

1. For each project that is financed, in whole or in part, by development charges,
  - i. the amount of money from each reserve fund established under section 33 of the Act that is spent on the project, and

- ii. the amount and source of any other money that is spent on the project.

13. (1) The treasurer of a municipality shall, on or before such date as the council of the municipality may direct in each year that reserve funds described in subsection 63 (3) of the Act exist, give the council a financial statement relating to those reserve funds.

(2) A statement must include, for the preceding year, statements of the opening and closing balances of the reserve funds and of the transactions relating to the funds and the information required by subsections 12 (2) and (3), with necessary modifications.

#### PAMPHLET EXPLAINING BY-LAW

14. (1) A municipality shall prepare a pamphlet for each development charge by-law in force setting out,

- (a) a description of the general purpose for which the development charges under the by-law are being imposed;
- (b) the rules for determining if a development charge is payable in a particular case and for determining the amount of the charge;
- (c) a list of the services to which the development charges relate; and
- (d) a description of the general purpose of the statement of the treasurer of the municipality and the place where it may be reviewed by the public.

(2) The municipality shall prepare the pamphlet,

- (a) if the by-law is not appealed to the Ontario Municipal Board, within 60 days after the by-law comes into force;
- (b) if the by-law is appealed to the Ontario Municipal Board, within 60 days after the Board's decision or, if the Board orders the municipality to amend the by-law, within 60 days after the municipality does so.

(3) If a development charge by-law is amended, the municipality shall revise the pamphlet for the by-law as necessary.

(4) If the municipality is required to revise the pamphlet, it shall do so,

- (a) if the amendment is not appealed to the Ontario Municipal Board, within 60 days after the amendment comes into force;
- (b) if the amendment is appealed to the Ontario Municipal Board, within 60 days after the Board's decision or, if the Board orders the municipality to amend the amendment, within 60 days after the municipality does so.

(5) The municipality shall give a copy of the most recent pamphlet, without charge, to any person who requests one.

(6) The municipality may charge a fee for additional copies of a pamphlet given to a person but the fee must be no more than is needed to pay for the cost of the additional copies.

(7) A person may reproduce and distribute the pamphlet in any form.

#### NOTICE RELATING TO CREDITS UNDER SECTION 13 OF THE OLD ACT

15. (1) A notice required under paragraph 1 of subsection 64 (1) of the Act shall be given by the clerk of the municipality,

- (a) by personal service, fax or mail to every person who holds a credit from the municipality under section 13 of the *Develop-*



ment Charges Act as it read immediately before March 1, 1998; and

- (b) by publication in a newspaper that is, in the clerk's opinion, of sufficiently general circulation in the area to which the by-law applied to give the public reasonable notice of the right to apply for a refund of ineligible credits.

(2) A notice required under paragraph 1 of subsection 64 (1) of the Act shall contain the following:

1. A statement setting out the date the by-law expired or was repealed and what its number was.
2. A statement setting out the last day for applying under section 64 of the Act for a refund of ineligible credits.
3. A statement describing the credits for which refunds are available under section 64 of the Act, including a summary of the definition of "ineligible credit" in subsection 64 (2) of the Act and a list of the services referred to in paragraphs 1 to 7 of subsection 2 (4) of the Act.
4. A statement that there is no right of appeal to the Ontario Municipal Board in respect of a claim under section 64 of the Act for a refund of ineligible credits.

#### TRANSITION RULES FOR CREDITS UNDER SECTION 14 OF THE OLD ACT

16. In sections 17 to 20,

"new Act" means the *Development Charges Act, 1997*;

"old Act" means the *Development Charges Act* as it read immediately before March 1, 1998.

17. The following rules apply with respect to credits given or required to be given under section 14 of the old Act:

1. The owner or former owner of land is entitled to the recognition of a credit towards a development charge imposed under a development charge by-law passed under the new Act by the council of the municipality that gave the credit.
2. If there is a conflict between a development charge by-law passed under the new Act and an agreement referred to in paragraph 3, the provisions of the agreement prevail over the by-law to the extent of the conflict.
3. Paragraph 2 applies with respect to an agreement made between a municipality and the owner or former owner of land if, before the coming into force of a development charge by-law under the old Act,
  - i. the owner or former owner of the land paid all or a portion of a charge related to development under the agreement with respect to the land and the land is within the area to which a development charge by-law passed under the new Act may apply, or
  - ii. the owner or former owner of the land provided services in lieu of the payment referred to in subparagraph i.
4. If a credit has been recognized under this section with respect to a service referred to in paragraphs 1 to 7 of subsection 2 (4) of the new Act, the value of the credit cannot be recovered from future development charges.

5. The last day for applying for the recognition of a credit under paragraph 1 shall be March 1, 1999.

6. An application for the recognition of a credit shall set out the amount of the credit that is sought and the services to which the applicant claims the credit should be applied.

7. On or before September 1, 1999, the municipality shall give each applicant written notice of whether the municipality agrees or refuses to recognize the credit in accordance with the application.

8. If the municipality agrees to recognize a credit in accordance with an application, or does not give the applicant a notice within the time required under paragraph 7, the applicant is entitled to have the credit recognized for the services set out in the application in the amount set out in the application.

9. A municipality may agree to recognize some credits in accordance with an application and refuse to recognize other credits and, if the municipality does so, paragraph 8 applies but only with respect to the credits that the municipality agrees to recognize.

10. If the municipality refuses to recognize a credit in accordance with an application, the applicant may appeal the municipality's decision to the Ontario Municipal Board by filing with the clerk of the municipality, within 30 days after the applicant receives the notice of the municipality's refusal, a notice of appeal.

11. If a notice of appeal under paragraph 10 is filed with the clerk of the municipality, the clerk shall,

- i. compile a record that includes a copy of the application and the notice of the municipality's refusal,
- ii. forward a copy of the notice of appeal and the record to the secretary of the Ontario Municipal Board within 30 days after the notice is received, and
- iii. provide any other information and material that the Board may require in respect of the appeal.

12. The Ontario Municipal Board shall hold a hearing to deal with the notice of appeal.

13. The parties to the appeal are the appellant and the municipality.

14. The Ontario Municipal Board shall give notice of the hearing to the parties.

15. After the hearing, the Ontario Municipal Board shall determine whether the appellant is entitled to the recognition of a credit and, if so, shall determine the amount of the credit to be recognized and the services to which it relates.

16. Despite paragraph 12, the Ontario Municipal Board may, where it is of the opinion that the complaint set out in the notice of appeal is insufficient, dismiss the appeal without holding a full hearing after notifying the appellant and giving the appellant an opportunity to make representations as to the merits of the appeal.

17. An applicant and the municipality may, at any time before the commencement of the hearing before the Ontario Municipal Board, agree that the applicant is entitled to the recognition of a credit and may agree to the amount of the credit to be recognized and the service to which it relates.

18. If the applicant and the municipality enter into an agreement under paragraph 17, the applicant shall withdraw the appeal to

the Ontario Municipal Board and the appeal shall be deemed to be terminated.

#### TRANSITION RULES FOR DEBTS UNDER THE OLD ACT

18. (1) This section applies with respect to a debt, other than credits, incurred with respect to a service referred to in paragraphs 1 to 7 of subsection 2 (4) of the new Act under a development charge by-law under the old Act that expires or is repealed during the transition period or expires, under section 63 of the new Act, at the end of the transition period.

(2) For the purposes of developing a development charge by-law, the debt, reduced by the amount of any reserve funds held in respect of the same service, may be included as a capital cost if the following requirements are met:

1. The debt relates to a service contained in a development charge by-law on or before November 25, 1996.
2. The project for which the debt was incurred was tendered for construction on or before November 25, 1996.
3. The debt was either debentured or the subject of documented internal fund borrowing on or before November 25, 1996.

#### TRANSITION RULES FOR DEVELOPMENT CHARGE BY-LAWS

19. (1) A development charge by-law passed under section 3 of the old Act before March 1, 1998 may be approved by the Minister after March 1, 1998 and before the end of the transition period.

(2) Section 62 of the new Act applies to a by-law described in subsection (1).

#### TRANSITION RULES FOR OLD FRONT-ENDING AGREEMENTS

20. (1) The old Act continues to apply to a front-ending agreement under Part II of the old Act if the agreement was entered into before March 1, 1998, even if the agreement is not yet in force on that day.

(2) If an agreement mentioned in subsection (1) comes into force, it continues in force until it expires or otherwise ceases to be in force.

(3) The following rules apply with respect to deductions under subsection 28 (9) of the old Act as it applies under subsection (1):

1. If a development charge by-law under the old Act applies, the deduction under subsection 28 (9) of the old Act shall be made from the amount otherwise payable under that by-law.
2. An amount not deducted under paragraph 1 shall be deducted from any applicable development charge under the new Act. Such an amount shall be deducted only from a development charge that is for the same development for which the payment being deducted was made.
3. A deduction is not a credit and the provisions of the new Act in relation to credits do not apply.

#### COMMENCEMENT

21. This Regulation comes into force on March 1, 1998.

### ONTARIO REGULATION 83/98 made under the ONTARIO DRUG BENEFIT ACT

Made: February 18, 1998  
Filed: February 20, 1998

Amending O. Reg. 201/96  
(General)

Note: Since January 1, 1997, Ontario Regulation 201/96 has been amended by Ontario Regulations 27/97, 110/97 and 299/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Section 3 of Ontario Regulation 201/96 is amended by adding the following subsection immediately before subsection (1):**

(0.1) In this section and in section 4,

"fiscal period" includes the following periods:

1. The period that begins on April 1, 1995 and ends on March 31, 1996,
2. The period that begins on April 1, 1996 and ends on March 31, 1997,
3. The period that begins on April 1, 1997 and ends on July 31, 1998,
4. The twelve-month period that begins on August 1, 1998 and any twelve-month period that begins on August 1 of any subsequent year.

**(2) Paragraph 2 of subsection 3 (1) of the Regulation is amended by striking out "in any one-year period that begins on April 1 and ends on March 31" in the second and third lines and substituting "in any fiscal period".**

**(3) Subsection 3 (2) of the Regulation is revoked and the following substituted:**

(2) A person who becomes a member of the class of eligible persons referred to in subsection (1) during a fiscal period ceases to be a member of the class at the end of the fiscal period.

**2. (1) Subsections 4 (2), (3), (4) and (5) of the Regulation are revoked and the following substituted:**

(2) Subject to subsections (4) and (5), a family unit's annual net income shall be determined based on each member's annual net income for his or her most recent taxation year.

(3) For the purposes of this section, a member's most recent taxation year is the member's taxation year that ended before the beginning of the fiscal period in respect of which an application to become eligible is made under paragraph 3 of subsection 3 (1).

(4) For the fiscal period that begins on April 1, 1997 and ends on July 31, 1998, the members of a family unit may elect to determine the family unit's annual net income based on each member's annual net income for the taxation year immediately preceding the members' most recent taxation year.

(5) The members of a family unit may elect to determine the family unit's annual net income based on each member's annual net income for the taxation year immediately following the members' most recent taxation year if the election would result in a difference of 10 per cent or more in the family's annual net income.

**(2) Subsection 4 (6) of the Regulation is amended by striking out "For the purposes of a determination under subsection (5)" in the**

first line and substituting "In the case of an election under subsection (5)".

(3) Subsection 4 (8) of the Regulation is revoked.

(4) Subsection 4 (9) of the Regulation is revoked and the following substituted:

(9) In this section,

"annual net income" means the amount indicated on line 236 of the Notice of Assessment issued under the *Income Tax Act* (Canada) for the relevant taxation year or, if no Notice of Assessment has been issued, the amount that would appear on that line had the Notice of Assessment been issued;

"relevant taxation year" means, with respect to a person, the person's most recent taxation year, or such other taxation year, as may be determined in accordance with subsections (2), (3) and (4).

3. (1) Subsections 20.2 (1) and (2) of the Regulation are revoked and the following substituted:

20.2 (1) If a listed drug product is supplied for an eligible person described in subsection (3), the maximum co-payment that the operator of a pharmacy may charge in respect of the supply of the drug product for that eligible person shall be determined in accordance with this section.

(2) In this section,

"allowable drug costs" means the sum of,

(a) any amount spent on co-payments in respect of listed drug products supplied for an eligible person in the current fiscal period, and

(b) any amount spent in respect of nutritional products or diabetic testing agents supplied for the eligible person in the current fiscal period that, in the absence of the co-payment scheme applied in respect of those products and agents, would have been paid by the Ministry under Part IX of the Formulary;

"annual net income" means the amount indicated on line 236 of the Notice of Assessment issued under the *Income Tax Act* (Canada) for the relevant taxation year or, if no Notice of Assessment has been issued, the amount that would appear on that line had the Notice of Assessment been issued;

"deductible amount" means an amount determined in accordance with subsections (6), (7), (8), (9) and (10);

"fiscal period" means the period of July 15, 1996 to March 31, 1997, the period of April 1, 1997 to July 31, 1998 and each succeeding twelve-month period that commences on August 1 of each year and ends on July 31 of the following year;

"relevant taxation year" means, with respect to a person, the person's most recent taxation year, or such other taxation year, as may be determined in accordance with section 20.3.

(2) Subclause 20.2 (3) (a) (i) of the Regulation is amended by striking out "net annual income" and substituting "annual net income".

(3) Subclause 20.2 (3) (a) (ii) of the Regulation is amended by striking out "net annual income" in the second line and substituting "annual net income".

(4) Section 20.2 of the Regulation is amended by adding the following subsections:

(5) The maximum co-payment that may be charged in respect of the supply of a listed drug product for an eligible person under this section during a fiscal period shall be determined in accordance with the following rules:

1. Until the eligible person's allowable drug costs for the fiscal period reach the deductible amount, the maximum co-payment that may be charged shall be the amount equal to the full amount otherwise payable by the Minister under section 6 of the Act in respect of the supply of the drug product.
2. Despite paragraph 1, if charging the maximum co-payment permitted under that paragraph would result in the eligible person's allowable drug costs for the current fiscal period exceeding the deductible amount, the maximum co-payment that may be charged shall be the difference between the deductible amount and the amount of the eligible person's allowable drug costs paid so far in the current fiscal period.
3. On or after the day the eligible person's allowable drug costs for the fiscal period reach or exceed the deductible amount, the maximum co-payment that may be charged for the remainder of the fiscal period shall be the amount equal to the dispensing fee payable under subsection 6 (2) of the Act.

(6) For the purposes of subsection (5), the deductible amount used to determine the maximum co-payment that may be charged for the supply of a listed drug product for an eligible person during any fiscal period shall be as follows:

1. For any fiscal period other than the fiscal period referred to in paragraph 2, \$100.
2. For the fiscal period in which the person to whom this section applies becomes eligible under the Act, the amount determined in accordance with subsections (8), (9) and (10).

(7) If a person becomes eligible under the Act during a fiscal period other than the fiscal period referred to in subsection (8), the deductible amount used under subsection (5) to determine the maximum co-payment that may be charged during the fiscal period for the supply of a listed drug product for that eligible person shall be the percentage of \$100. that is equal to the result obtained by dividing the number of months in the fiscal period by the number of months during the fiscal period that the person is eligible.

(8) If a person becomes eligible under the Act during the period of April 1, 1996 to March 31, 1997, the deductible amount used under subsection (5) to determine the maximum co-payment that may be charged during the fiscal period of July 15, 1996 to March 31, 1997 shall be the percentage of \$100.00 that is equal to the result obtained by dividing the number of months in the period of April 1, 1996 and March 31, 1997 by the number of months during that period that the person is eligible.

(9) Tables 1, 2 and 3 to this subsection set out the deductible amount determined in accordance with subsections (7) and (8) applicable to the following fiscal periods:

1. The deductible amount applicable for the fiscal period that begins on July 15, 1996 and ends on March 31, 1997 with respect to a person who becomes eligible under the Act between April 1, 1996 and March 31, 1997 is set out in Column 2 to Table 1 opposite the period during which the person becomes eligible set out in Column 1 to the Table.
2. The deductible amount applicable for the fiscal period that begins on April 1, 1997 and ends on July 31, 1998 with respect to a person who becomes eligible under the Act during that fiscal

period is set out in Column 2 to Table 2 opposite the period during which the person becomes eligible set out in Column 1 to the Table.

3. The deductible amount applicable for any fiscal period that begins after the fiscal period referred to in paragraph 2 with respect to a person who becomes eligible under the Act during the fiscal period is set out in Column 2 to Table 3 opposite the period during which the person becomes eligible set out in Column 1 to the Table.

TABLE 1

COLUMN 1	COLUMN 2
Period in which person becomes eligible	Deductible Amount
On or before April 1, 1996	\$100.00
On or after April 2, 1996 but before May 2, 1996	91.67
On or after May 2, 1996 but before June 2, 1996	83.33
On or after June 2, 1996 but before July 2, 1996	75.00
On or after July 2, 1996 but before August 2, 1996	66.67
On or after August 2, 1996 but before September 2, 1996	58.33
On or after September 2, 1996 but before October 2, 1996	50.00
On or after October 2, 1996 but before November 2, 1996	41.67
On or after November 2, 1996 but before December 2, 1996	33.33
On or after December 2, 1996 but before January 2, 1997	25.00
On or after January 2, 1997 but before February 2, 1997	16.67
On or after February 2, 1997 but before April 1, 1997	8.33

TABLE 2

COLUMN 1	COLUMN 2
Period in which person becomes eligible	Deductible Amount
On or before April 1, 1997	\$100.00
On or after April 2, 1997 but before May 2, 1997	93.75
On or after May 2, 1997 but before June 2, 1997	87.50
On or after June 2, 1997 but before July 2, 1997	81.25
On or after July 2, 1997 but before August 2, 1997	75.00
On or after August 2, 1997 but before September 2, 1997	68.75
On or after September 2, 1997 but before October 2, 1997	62.50
On or after October 2, 1997 but before November 2, 1997	56.25
On or after November 2, 1997 but before December 2, 1997	50.00

On or after December 2, 1997 but before January 2, 1998	43.75
On or after January 2, 1998 but before February 2, 1998	37.50
On or after February 2, 1998 but before March 2, 1998	31.25
On or after March 2, 1998 but before April 2, 1998	25.00
On or after April 2, 1998 but before May 2, 1998	18.75
On or after May 2, 1998 but before June 2, 1998	12.50
On or after June 2, 1998 but before August 1, 1998	6.25

TABLE 3

COLUMN 1	COLUMN 2
Month in which person becomes eligible	Deductible Amount
On or before August 1	\$100.00
On or after August 2 but before September 2	91.67
On or after September 2 but before October 2	83.33
On or after October 2 but before November 2	75.00
On or after November 2 but before December 2	66.67
On or after December 2 but before January 2	58.33
On or after January 2 but before February 2	50.00
On or after February 2 but before March 2	41.67
On or after March 2 but before April 2	33.33
On or after April 2 but before May 2	25.00
On or after May 2 but before June 2	16.67
On or after June 2 but before August 1	8.33

#### 4. The Regulation is amended by adding the following section:

20.3 (1) The annual net income for an eligible person referred to in subclause 20.2 (3) (a) (i) shall be the annual net income for his or her most recent taxation year.

(2) The annual net income for a couple under subclause 20.2 (3) (a) (ii) shall be determined based on each person's annual net income for his or her most recent taxation year.

(3) A person's most recent taxation year is the person's taxation year that ended before the beginning of the fiscal period during which the listed drug product is supplied.

(4) Despite subsections (1) and (2), an eligible person may elect, for the fiscal period that begins on April 1, 1997 and ends on July 31, 1998,

(a) if he or she is single, to have his or her annual net income be the annual net income for his or her taxation year immediately preceding his or her most recent taxation year; and

(b) if he or she has a spouse or partner, to have the couple's annual net income be the sum of both person's annual net income for their taxation year immediately preceding their most recent taxation year.

(5) Despite subsection (1), an eligible person who is single may elect to have his or her annual net income determined based on his or her annual net income for the taxation year immediately following his

or her most recent taxation year if the election would result in a difference of 10 per cent or more in the person's annual net income.

(6) Despite subsection (2), an eligible person who has a spouse or partner may elect to have their annual net income determined based on each person's annual net income for the taxation year immediately following his or her most recent taxation year if the election would result in a difference of 10 per cent or more in the couple's annual net income.

(7) Subsections 4 (6) and (7) apply to the determination of the annual net income of a person or couple who makes an election under subsection (5) or (6).

**5. The Table to the Regulation is amended by striking out the heading "Net Income" and substituting "Annual Net Income".**

**6. (1) Subject to subsection (2), this Regulation shall be deemed to have come into force on July 15, 1996.**

**(2) Sections 1, 2, 4 and 5 shall be deemed to have come into force on April 1, 1997.**

10/98

**ONTARIO REGULATION 84/98**  
made under the  
**NIAGARA ESCARPMENT PLANNING  
AND DEVELOPMENT ACT**

Made: February 20, 1998  
Filed: February 20, 1998

Amending Reg. 826 of R.R.O. 1990  
(Designation of Area of Development Control)

**Note:** Since January 1, 1997, Regulation 826 has been amended by Ontario Regulations 163/97, 287/97, 288/97 and 349/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 826 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

**17. Despite section 2, paragraph 21 of the Schedule to Regulation 683 of the Revised Regulations of Ontario, 1980, as it read on December 31, 1990, shall be deemed to read as follows:**

**21. Lands within the City of Burlington, in The Regional Municipality of Halton, described as follows:**

Beginning at the intersection of the southwesterly boundary of the City of Burlington and the northwesterly limit of the King's Highway known as Number 5;

Thence northwesterly along the southwesterly limit of the City of Burlington to the westerly angle of the City;

Thence northeasterly along the northwesterly boundary of the City of Burlington to its most northerly angle;

Thence southeasterly along the northeasterly boundary of the City to intersect with the northeasterly prolongation of the southeasterly limit of Lot 9 Concession VI of the former Township of Nelson;

Thence southwesterly along that prolongation and the southeasterly limit of Lot 9 to the southerly angle of Lot 9 in Concession V;

Thence northwesterly along the southwesterly limit of Concession V to the southerly angle of Lot 10;

Thence southwesterly along the southwesterly prolongation of the aforesaid southerly angle to the easterly angle of Lot 10 in Concession IV;

Thence southwesterly following the southeasterly limit of Lot 10 in Concession IV and its southeasterly prolongation thereof to the easterly angle of Concession III;

Thence southeasterly along the northeasterly limit of Concession III to intersect with the northerly angle of Lot 6 in Concession III;

Thence northeasterly along the northeasterly prolongation of the aforesaid angle to the westerly angle of Lot 6 in Concession IV;

Thence northeasterly along the northwesterly limit of Lot 6 to its northerly angle;

Thence southeasterly along the northeasterly limit of Concession IV to the northerly angle of Lot 4;

Thence northeasterly along the northeasterly prolongation of aforesaid northerly angle to the westerly angle of Lot 4 in Concession V;

Thence northeasterly following along the northwesterly limit of Lot 4 to its northerly angle in Concession V;

Thence southeasterly along the northeasterly limit of Concession V to the easterly angle of Lot 1;

Thence southwesterly along the southeasterly limit of Lot 1 in Concession V to the point of intersection with the northwesterly prolongation of the northeasterly limit of Lot 9 in Concession II North of Dundas Street of the former Township of Nelson;

Thence southeasterly along that prolongation and the northwesterly limit of Lot 9 to the easterly angle of Lot 9 in Concession II North of Dundas Street;

Thence southwesterly along the southeasterly limit of Concession II North of Dundas Street to the easterly angle of Lot 20;

Thence southeasterly along the southeasterly prolongation of the aforesaid easterly angle to the northerly angle of Lot 20 in Concession I North of Dundas Street;

Thence southeasterly following along the northeasterly limit of Lot 20 in Concession I North of Dundas Street to intersect with a brow of a slope as shown within a Plan Registered in the Land Registry Office for the Registry Division of Halton (No. 20) as Number 540;

Thence in a southerly direction following the brow of slope as shown on Lots 6, 5, 4 and 3 in Registered Plan 540 to intersect with a line equal and parallel with the northwesterly limit of Concession I North of Dundas Street and being the southeasterly limit of the northwesterly three-quarters of Concession I North of Dundas Street;

Thence southwesterly following the southeasterly limit of the northwesterly three-quarters of the Concession I North of Dundas Street to intersect with the northeasterly limit of Lot 23;

Thence southeasterly along the northeasterly limit of Lot 23 to the point of intersection with the northwesterly limit of King's Highway Number 5;

Thence southwesterly along the northwesterly limit of Highway Number 5 to the place of beginning.

Except for:

Beginning at a point on the northeasterly limit of Guelph Line 298.78 metres measured southeasterly from the westerly angle of Lot 15 in Concession II North of Dundas Street;

Thence north  $38^{\circ} 24' 30''$  east 149.11 metres to a point;

Thence north  $38^{\circ} 19' 40''$  east 267.86 metres to a point;

Thence north  $39^{\circ} 17' 20''$  east 153.69 metres to a point;

Thence north  $45^{\circ} 05' 10''$  west 163.64 metres to a point;

Thence north  $45^{\circ} 07' 40''$  west 141.10 metres to a point;

Thence north  $38^{\circ} 23' 30''$  east 246.16 metres to a point;

Thence south  $45^{\circ} 04' 10''$  east 785.05 metres to a point;

Thence south  $44^{\circ} 34' 50''$  west 109.00 metres to a point;

Thence south  $45^{\circ} 04' 10''$  east 60.00 metres to a point;

Thence south  $44^{\circ} 34' 50''$  west 291.03 metres to a point;

Thence south  $45^{\circ} 04' 10''$  east 120.20 metres to a point;

Thence south  $44^{\circ} 34' 50''$  west 109.32 metres to a point;

Thence south  $19^{\circ} 32' 59''$  east 131.70 metres to a point;

Thence south  $23^{\circ} 51' 24''$  west 89.00 metres to a point;

Thence south  $44^{\circ} 34' 50''$  west to the northeasterly limit of Guelph Line;

Thence northwesterly along the northeasterly limit of Guelph Line to the place of beginning.

JOHN C. SNOBELEN  
Minister of Natural Resources

Dated on February 20, 1998.

10/98

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1997—03—14

## ONTARIO REGULATION 85/98 made under the HIGHWAY TRAFFIC ACT

Made: December 17, 1997  
Filed: February 24, 1998

Amending Reg. 588 of R.R.O. 1990  
(Exemption from Section 7 of the Act—American States)

Note: Regulation 588 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Clause 2 (1) (a) of Regulation 588 of the Revised Regulations of Ontario, 1990 is amended by striking out "the Schedule" at the end and substituting "Schedule 1".

2. The Regulation is amended by adding the following section:

3. (1) A commercial motor vehicle is exempt from clauses 7 (1) (b) and (c) of the Act during its stay in Ontario, for a period of up to 30 days beginning with the day the vehicle enters Ontario if,

- (a) the vehicle is owned or leased by a person who has a place of business in a state of the United States of America listed in Schedule 2;
- (b) the vehicle is registered in the state;
- (c) the vehicle has a base in the state,
  - (i) from which it is most frequently dispatched, operated or otherwise controlled,
  - (ii) at which it is garaged, serviced or maintained, or
  - (iii) from which it leaves and to which it returns in its normal operation;

- (d) the vehicle bears number plates issued for the vehicle by the state except where the registration referred to in clause (b) is temporary;
- (e) the vehicle has a gross weight, including the gross weight of any towed vehicles, not exceeding the gross weight shown on the permit issued by the state; and
- (f) all applicable fees under Regulation 628 of the Revised Regulations of Ontario, 1990 have been paid in respect of the vehicle, including any fee, prorated according to the distance that the vehicle was operated in Ontario in the previous year, required by Schedule 1 or 3 of that Regulation.

(2) The exemption under subsection (1) ceases to apply upon the vehicle picking up goods or passengers in Ontario for delivery in Ontario if the vehicle,

- (a) is used or maintained to transport goods or passengers for compensation or in furtherance of a commercial enterprise; or
- (b) weighs more than 2800 kilograms and does not have a camper unit mounted on it as a functional part.

(3) The exemption under subsection (1) ceases to apply upon the Minister notifying the owner or lessee of the vehicle that in the opinion of the Minister the conditions set out in subsection (1) are not being met.

3. (1) The Schedule to the Regulation is renamed "Schedule 1".

(2) The Schedule to the Regulation is amended by striking out "Montana".

4. The Regulation is amended by adding the following Schedule:

### Schedule 2

Montana

11/98



**ONTARIO REGULATION 86/98**made under the  
**MUNICIPAL ACT**

Made: February 24, 1998

Filed: February 25, 1998

Amending Ontario Regulation 26/96  
(Fees and Charges By-laws)

Note: Since January 1, 1997, Ontario Regulation 26/96 has been amended by Ontario Regulations 352/97, 32/98 and 34/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 3 of Ontario Regulation 26/96 is revoked and the following substituted:**

**3.** A municipality or local board does not have the power under section 220.1 of the Act to impose fees or charges to obtain revenue to pay growth-related net capital costs as defined in section 1 of the *Development Charges Act* as it reads on February 28, 1998.

**2. This Regulation comes into force on March 1, 1998.**

AL LEACH

*Minister of Municipal Affairs and Housing*

Dated on February 24, 1998.

11/98

**RÈGLEMENT DE L'ONTARIO 86/98**pris en application de la  
**LOI SUR LES MUNICIPALITÉS**

pris le 24 février 1998

déposé le 25 février 1998

modifiant le Règl. de l'Ont. 26/96  
(Règlements municipaux relatifs aux droits et frais)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement de l'Ontario 26/96 a été modifié par les Règlements de l'Ontario 352/97, 32/98 et 34/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. L'article 3 du Règlement de l'Ontario 26/96 est abrogé et remplacé par ce qui suit :**

**3.** L'article 220.1 de la Loi ne confère pas à une municipalité ni à un conseil local le pouvoir d'imposer des droits ou des frais pour obtenir des recettes afin de couvrir les coûts en immobilisations nets liés à la croissance au sens de l'article 1 de la *Loi sur les redevances d'exploitation*, tel qu'il existe le 28 février 1998.

**2. Le présent règlement entre en vigueur le 1<sup>er</sup> mars 1998.**

AL LEACH

*Ministre des Affaires municipales et du Logement*

Fait le 24 février 1998.

**ONTARIO REGULATION 87/98**made under the  
**HEALTH INSURANCE ACT**

Made: February 11, 1998

Filed: February 27, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98 and 44/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 4 of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked.**

**2. This Regulation comes into force on March 1, 1998.**

11/98



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1997—03—21

## ONTARIO REGULATION 88/98 made under the SECURITIES ACT

Made: February 24, 1998  
Approved: February 26, 1998  
Filed: March 2, 1998

Amending Reg. 1015 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97 and 507/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 51 of Schedule 1 to Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**51.** A proposed strip bond information statement submitted to the Director for acceptance under Rule 91-501 shall be accompanied by a fee of \$500.

**2. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on December 16, 1997 entitled "Ontario Securities Commission Rule 91-501 Strip Bonds".**

ONTARIO SECURITIES COMMISSION:

J. A. GELLER  
*Chair*

G. P. H. VERNON  
*Commissioner*

Dated on February 24, 1998.

Note: The rule made by the Ontario Securities Commission on December 16, 1997 entitled "Ontario Securities Commission Rule 91-501 Strip Bonds" comes into force on May 1, 1998.

12/98

## ONTARIO REGULATION 89/98 made under the POLICE SERVICES ACT

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 554/91  
(Political Activities of Municipal Police Officers)

Note: Ontario Regulation 554/91 has not previously been amended.

**1. Section 5 of Ontario Regulation 554/91 is revoked and the following substituted:**

5. Sections 6, 7 and 8 apply to a municipal police officer other than a chief of police or a deputy chief of police.

6. (1) A municipal police officer may be a candidate, or may seek to become a candidate, in a federal or provincial election or in an election for municipal council only while on a leave of absence granted under subsection (2).

(2) A municipal police officer who seeks to become a candidate in a federal or provincial election or in an election for municipal council shall apply to the board of the municipality in which he or she is employed for a leave of absence without pay and the board shall grant the leave of absence.

(3) Despite subsections (1) and (2), a municipal police officer may seek to become a candidate or may be a candidate in an election for municipal council without taking a leave of absence if,

- (a) the election is in a municipality that does not receive police services from the municipality in which the police officer is employed; and
- (b) seeking to become or being a candidate does not interfere with the police officer's duties as a police officer and does not place, or is not likely to place, the police officer in a position of conflict of interest.

(4) Regardless of whether a leave of absence is required under this section, a board shall grant any leave of absence that is requested by a municipal police officer to enable the police officer to seek to become a candidate or to be a candidate in an election for municipal council.

(5) The following rules apply to a leave of absence granted to a municipal police officer under subsection (2) or (4):

- 1. A leave of absence shall begin and end on the dates specified in the police officer's application, subject to paragraphs 2, 3, and 4.
- 2. A leave of absence granted to enable a police officer to be a candidate in an election for municipal council shall not begin earlier than sixty days before polling day or continue after polling day.
- 3. A leave of absence granted to enable a police officer to be a candidate in a federal or provincial election shall not begin earlier than the day on which the writ for the election is issued or later than the last day for nominating candidates under the applicable provincial or federal statute and shall not continue after polling day.
- 4. A leave of absence granted to enable a police officer to seek to become a candidate in a federal or provincial election or in an election for municipal council shall not continue after the day the police officer withdraws from or loses the nomination campaign, or, if the police officer wins the nomination, after polling day.

7. (1) A municipal police officer who is elected in a federal or provincial election or in an election for municipal council shall immediately resign as a police officer.

(2) Despite subsection (1), a municipal police officer need not resign as a municipal police officer upon being elected in an election for municipal council if,

- (a) the police officer is elected a member of the municipal council of a municipality that does not receive police services from the municipality in which the police officer is employed; and
  - (b) being a member of the municipal council does not interfere with the police officer's duties as a police officer or does not place, or is not likely to place, the police officer in a position of conflict of interest.
- (3) A municipal police officer who is elected in an election for municipal council and who, as permitted by subsection (2), does not resign as a police officer,
- (a) shall not take part at any meeting of the municipal council in the discussion of, or vote on, any question relating to the budget for a police services board under section 39 of the Act; and
  - (b) shall not attempt in any way, whether before, during or after a meeting of the municipal council, to influence the voting on any such question.
- (4) A former municipal police officer who resigns in accordance with subsection (1) and later ceases to be an elected political representative is entitled, on application, to be appointed to any vacant position on the police force for which he or she is qualified under section 43 of the Act.
- (5) Subsection (4) applies only if the former police officer,

- (a) ceases to be an elected political representative within,
    - (i) in the case of a former police officer who was elected in a federal or provincial election, five years after resigning as a police officer,
    - (ii) in the case of a former police officer who was elected in an election for municipal council, three years after resigning as a police officer; and
  - (b) makes an application to be reappointed to the police force within 12 months after ceasing to be an elected political representative.
- (6) Another person's right to be appointed or assigned to a position on the police force by virtue of a collective agreement prevails over the right conferred by subsection (4).
8. (1) The period of a leave of absence granted under subsection 6 (2) or (4) shall not be counted in determining the length of the police officer's service, but the service before and after the period of leave shall be deemed to be continuous for all purposes.
- (2) Subsection (1) applies, with necessary modifications, to a police officer who has resigned and subsequently been reappointed to the police force in accordance with subsection 7 (3).

12/98

**ONTARIO REGULATION 90/98**

made under the  
**EDUCATION ACT**

Made: March 4, 1998  
Filed: March 5, 1998

**PRINCIPALS AND VICE-PRINCIPALS—  
REDUNDANCY AND REASSIGNMENT**

1. (1) This Regulation applies when a board declares the position of a principal or vice-principal to be redundant.
- (2) This Regulation applies when any of the following positions is declared to be redundant:
- 1. Principal or vice-principal of continuing education courses and classes that are offered for credit during the day on instructional days.
  - 2. Principal or vice-principal who administers the board's program of continuing education courses and classes that are offered for credit.
- (3) This Regulation does not apply when the position of principal or vice-principal of continuing education courses and classes that is not described in subsection (2) is declared to be redundant.
- (4) A position is redundant if the board decides that the position is no longer required because of,
- (a) the implementation of a restructuring plan that eliminates the position or merges it with another position;
  - (b) a reduction in the number of classes or schools of the board; or
  - (c) a change in the board's duties under any Act.

**RÈGLEMENT DE L'ONTARIO 90/98**

pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 4 mars 1998  
déposé le 5 mars 1998

**DIRECTEURS ET DIRECTEURS ADJOINTS —  
EXCÉDENT DE PERSONNEL ET RÉAFFECTATION**

1. (1) Le présent règlement s'applique lorsque le conseil déclare excédentaire le poste d'un directeur ou d'un directeur adjoint.
- (2) Le présent règlement s'applique lorsqu'est déclaré excédentaire l'un ou l'autre des postes suivants :
- 1. Le poste de directeur ou de directeur adjoint de cours et de classes d'éducation permanente qui sont offerts de jour au cours de journées d'enseignement et qui donnent droit à des crédits.
  - 2. Le poste de directeur ou de directeur adjoint chargé d'administrer le programme du conseil qui consiste en des cours et des classes d'éducation permanente qui donnent droit à des crédits.
- (3) Le présent règlement ne s'applique pas lorsqu'est déclaré excédentaire le poste de directeur ou de directeur adjoint de cours et de classes d'éducation permanente qui n'est pas visé au paragraphe (2).
- (4) Un poste est excédentaire si le conseil décide qu'il est désormais inutile pour l'un ou l'autre des motifs suivants :
- a) la mise en œuvre d'un plan de restructuration qui élimine le poste ou qui le combine à un autre;
  - b) la réduction du nombre de classes ou d'écoles du conseil;
  - c) la modification des fonctions qu'une loi attribue au conseil.

2. (1) The board shall give the affected principal or vice-principal notice in writing that his or her position is declared to be redundant.

(2) The notice must be given at least 90 days before the date on which the position becomes redundant.

(3) The notice must specify the date on which the position becomes redundant.

(4) The board may rescind the notice at any time.

(5) A notice given under this section is not notice of the termination of the principal's or vice-principal's permanent teacher's contract or probationary teacher's contract.

(6) Subsection (5) is revoked on September 1, 1998.

3. (1) The board shall assign the principal or vice-principal to another position for which he or she is qualified.

(2) The principal or vice-principal may be assigned to a position in a teachers' bargaining unit if the position is vacant after the procedures under the applicable collective agreement for filling it have been exhausted.

(3) The assignment takes effect on the date on which the principal's or vice-principal's position becomes redundant, or on such other date as the board and the principal or vice-principal may agree upon.

4. (1) The following rule applies if the principal or vice-principal is employed by a district school board and is assigned to a position in which he or she is employed, other than as a principal or vice-principal, to teach:

1. For the purpose of determining his or her seniority under the applicable collective agreement, his or her length of service when he or she begins work in the new position is the sum of,

- i. the length of his or her service before January 1, 1998 while employed by the district school board or a predecessor board to teach, and
- ii. the length of his or her service after December 31, 1997 while employed, other than as a principal or vice-principal, by the district school board or a predecessor board to teach.

(2) The following rule applies if the principal or vice-principal is employed by a school authority and is assigned to a position in which he or she is employed, other than as a principal or vice-principal, to teach:

1. For the purpose of determining his or her seniority under the applicable collective agreement, his or her length of service when he or she begins work in the new position is the sum of,

- i. the length of his or her service before January 1, 1998 while employed by the school authority to teach, and
- ii. the length of his or her service after December 31, 1997 while employed, other than as a principal or vice-principal, by the school authority to teach.

(3) The following rule applies if the principal or vice-principal is assigned to a position other than one described in subsection (1) or (2):

1. For one year after he or she begins work in the new position, he or she is entitled to be paid the salary that he or she would have been paid as principal or vice-principal.

2. (1) Le conseil avise par écrit le directeur ou le directeur adjoint concerné que son poste est déclaré excédentaire.

(2) L'avis est donné au moins 90 jours avant la date à laquelle le poste devient excédentaire.

(3) L'avis précise la date à laquelle le poste devient excédentaire.

(4) Le conseil peut annuler l'avis.

(5) L'avis donné aux termes du présent article ne constitue pas un avis de résiliation du contrat d'enseignant permanent ou stagiaire du directeur ou du directeur adjoint.

(6) Le paragraphe (5) est abrogé le 1<sup>er</sup> septembre 1998.

3. (1) Le conseil affecte le directeur ou le directeur adjoint à un autre poste pour lequel il possède les qualités requises.

(2) Le directeur ou le directeur adjoint peut être affecté à un poste compris dans une unité de négociation d'enseignants si ce poste est vacant après l'épuisement des procédures de dotation prévues par la convention collective applicable.

(3) L'affectation entre en vigueur à la date à laquelle le poste du directeur ou du directeur adjoint devient excédentaire ou à celle dont conviennent le conseil et le directeur ou le directeur adjoint.

4. (1) La règle qui suit s'applique si le directeur ou le directeur adjoint est employé par un conseil scolaire de district et qu'il est affecté à un poste dans lequel il est employé pour enseigner, autrement qu'à titre de directeur ou de directeur adjoint :

1. Aux fins du calcul de son ancienneté aux termes de la convention collective applicable, ses états de service au moment où il commence à occuper son nouveau poste correspondent à la somme de ce qui suit :

- i. ses états de service antérieurs au 1<sup>er</sup> janvier 1998 pendant qu'il était employé par le conseil scolaire de district ou un conseil qu'il remplace pour enseigner,
- ii. ses états de service postérieurs au 31 décembre 1997 pendant qu'il était employé par le conseil scolaire de district ou un conseil qu'il remplace pour enseigner, autrement qu'à titre de directeur ou de directeur adjoint.

(2) La règle qui suit s'applique si le directeur ou le directeur adjoint est employé par une administration scolaire et qu'il est affecté à un poste dans lequel il est employé pour enseigner, autrement qu'à titre de directeur ou de directeur adjoint :

1. Aux fins du calcul de son ancienneté aux termes de la convention collective applicable, ses états de service au moment où il commence à occuper son nouveau poste correspondent à la somme de ce qui suit :

- i. ses états de service antérieurs au 1<sup>er</sup> janvier 1998 pendant qu'il était employé par l'administration scolaire pour enseigner,
- ii. ses états de service postérieurs au 31 décembre 1997 pendant qu'il était employé par l'administration scolaire pour enseigner, autrement qu'à titre de directeur ou de directeur adjoint.

(3) La règle qui suit s'applique si le directeur ou le directeur adjoint est affecté à un poste autre que celui visé au paragraphe (1) ou (2) :

1. Pendant un an après qu'il a commencé à occuper son nouveau poste, il a droit au salaire qu'il aurait touché à titre de directeur ou de directeur adjoint.

5. On August 31, 2001, section 4 is revoked and the following substituted:

4. (1) The following rule applies if the principal or vice-principal is assigned to a position other than one described in subsection (2):

1. For one year after he or she begins work in the new position, he or she is entitled to be paid the salary that he or she would have been paid as principal or vice-principal.

(2) Subsection (1) does not apply if the principal or vice-principal is assigned to a position in which he or she is employed, other than as a principal or vice-principal, to teach.

6. This Regulation comes into force on April 1, 1998.

12/98

## ONTARIO REGULATION 91/98

made under the  
EDUCATION ACT

Made: February 22, 1998

Approved: March 4, 1998

Filed: March 5, 1998

Amending Reg. 304 of R.R.O. 1990  
(School Year and School Holidays)

Note: Regulation 304 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. The title of Regulation 304 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

### SCHOOL YEAR CALENDAR

2. (1) Subsection 2 (2) of the Regulation is amended by striking out "a school year" in the first line and substituting "the 1997-1998 school year".

(2) Subsection 2 (2) of the Regulation is revoked on September 1, 1998.

(3) Subsection 2 (3) of the Regulation is amended by adding at the beginning "With respect to the 1997-1998 school year".

(4) Subsection 2 (3) of the Regulation is revoked on September 1, 1998.

(5) Section 2 of the Regulation is amended by adding the following subsection:

(3.1) Subject to section 5, every school year after the 1997-1998 school year shall include a minimum of 194 school days of which up to 4 days may be designated by the board as professional activity days and the remaining school days shall be instructional days.

3. (1) Subsection 3 (1) of the Regulation is amended by adding at the beginning "For the 1997-1998 school year".

(2) Subsection 3 (1) of the Regulation is revoked on September 1, 1998.

(3) Subsection 3 (2) of the Regulation is amended by adding at the beginning "With respect to the 1997-1998 school year".

5. Le 31 août 2001, l'article 4 est abrogé et remplacé par ce qui suit :

4. (1) La règle qui suit s'applique si le directeur ou le directeur adjoint est affecté à un poste autre que celui visé au paragraphe (2) :

1. Pendant un an après qu'il a commencé à occuper son nouveau poste, il a droit au salaire qu'il aurait touché à titre de directeur ou de directeur adjoint.

(2) Le paragraphe (1) ne s'applique pas si le directeur ou le directeur adjoint est affecté à un poste dans lequel il est employé pour enseigner, autrement qu'à titre de directeur ou de directeur adjoint.

6. Le présent règlement entre en vigueur le 1<sup>er</sup> avril 1998.

## RÈGLEMENT DE L'ONTARIO 91/98

pris en application de la  
LOI SUR L'ÉDUCATION

pris le 22 février 1998

approuvé le 4 mars 1998

déposé le 5 mars 1998

modifiant le Règl. 304 des R.R.O. de 1990  
(Année scolaire et congés scolaires)

Remarque : Le Règlement 304 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le titre du Règlement 304 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

### CALENDRIER DE L'ANNÉE SCOLAIRE

2. (1) Le paragraphe 2 (2) du Règlement est modifié par substitution de «l'année scolaire 1997-1998» à «l'année scolaire» à la première ligne.

(2) Le paragraphe 2 (2) du Règlement est abrogé le 1<sup>er</sup> septembre 1998.

(3) Le paragraphe 2 (3) du Règlement est modifié par insertion de «Relativement à l'année scolaire 1997-1998,» au début du paragraphe.

(4) Le paragraphe 2 (3) du Règlement est abrogé le 1<sup>er</sup> septembre 1998.

(5) L'article 2 du Règlement est modifié par adjonction du paragraphe suivant :

(3.1) Sous réserve de l'article 5, chaque année scolaire postérieure à l'année scolaire 1997-1998 comprend au moins 194 jours de classe dont quatre au plus peuvent être désignés par le conseil comme journées pédagogiques. Les autres jours de classe constituent des journées d'enseignement.

3. (1) Le paragraphe 3 (1) du Règlement est modifié par insertion de «Pour l'année scolaire 1997-1998,» au début du paragraphe.

(2) Le paragraphe 3 (1) du Règlement est abrogé le 1<sup>er</sup> septembre 1998.

(3) Le paragraphe 3 (2) du Règlement est modifié par insertion de «Relativement à l'année scolaire 1997-1998,» au début du paragraphe.

(4) Subsection 3 (2) of the Regulation is revoked on September 1, 1998.

(4) Le paragraphe 3 (2) du Règlement est abrogé le 1<sup>er</sup> septembre 1998.

(5) Section 3 of the Regulation is amended by adding the following subsection:

(5) L'article 3 du Règlement est modifié par adjonction du paragraphe suivant :

(3.1) With respect to every school year after the 1997-1998 school year, a board may designate up to 10 instructional days as examination days.

(3.1) Relativement à chaque année scolaire postérieure à l'année scolaire 1997-1998, le conseil peut désigner jusqu'à 10 journées d'enseignement comme journées d'examen.

DAVID JOHNSON  
Minister of Education and Training

DAVID JOHNSON  
Ministre de l'Éducation et de la Formation

Dated on February 22, 1998.

Fait le 22 février 1998.

12/98

---

**ONTARIO REGULATION 92/98**  
made under the  
**EDUCATION ACT**

Made: March 4, 1998  
Filed: March 5, 1998

**INTERIM PAYMENTS IN RESPECT OF  
LEGISLATIVE GRANTS FOR THE PERIOD  
JANUARY 1, 1998 TO AUGUST 31, 1998**

1. (1) A district school board or school authority may, before the coming into force of a regulation prescribing the conditions governing the payment of legislative grants for educational purposes for the short year, be paid an interim payment in respect of a grant of that kind.

(2) An interim payment under subsection (1) shall not exceed the sum of,

- (a) 30 per cent of the amount shown in the Table opposite the name of the district school board or school authority; and
- (b) in the case of a district school board, the amount allocated for the short year, in respect of an allocation made under the Capital Grant Plan established and maintained by the Minister, to each old board that is the district school board's predecessor.

(3) In this Regulation,

"old board" means an old board listed in column 1 of Schedule 1 to Ontario Regulation 460/97;

"short year" means the period beginning January 1, 1998 and ending August 31, 1998.

2. Section 1 applies with respect to all of the short year, including the period before this Regulation is made.

3. Regulation 299 of the Revised Regulations of Ontario, 1990 is revoked.

## TABLE

DISTRICT SCHOOL BOARDS	1998 BASE
DISTRICT SCHOOL BOARD NO. 1	53,935,080
DISTRICT SCHOOL BOARD NO. 2	73,212,554
DISTRICT SCHOOL BOARD NO. 3	73,427,340
DISTRICT SCHOOL BOARD NO. 4	66,176,949
DISTRICT SCHOOL BOARD NO. 5A	32,560,067
DISTRICT SCHOOL BOARD NO. 5B	17,039,312
DISTRICT SCHOOL BOARD NO. 6A	51,926,859
DISTRICT SCHOOL BOARD NO. 6B	17,662,984
DISTRICT SCHOOL BOARD NO. 7	93,602,665
DISTRICT SCHOOL BOARD NO. 8	73,494,941
DISTRICT SCHOOL BOARD NO. 9	125,958,926
DISTRICT SCHOOL BOARD NO. 10	103,789,101
DISTRICT SCHOOL BOARD NO. 11	278,059,738
DISTRICT SCHOOL BOARD NO. 12	530,338,599
DISTRICT SCHOOL BOARD NO. 13	205,244,832
DISTRICT SCHOOL BOARD NO. 14	144,059,023
DISTRICT SCHOOL BOARD NO. 15	76,790,937
DISTRICT SCHOOL BOARD NO. 16	173,907,200
DISTRICT SCHOOL BOARD NO. 17	157,122,519
DISTRICT SCHOOL BOARD NO. 18	107,759,707
DISTRICT SCHOOL BOARD NO. 19	238,502,098
DISTRICT SCHOOL BOARD NO. 20	106,641,309
DISTRICT SCHOOL BOARD NO. 21	175,469,197
DISTRICT SCHOOL BOARD NO. 22	149,157,051
DISTRICT SCHOOL BOARD NO. 23	114,482,261
DISTRICT SCHOOL BOARD NO. 24	172,764,217
DISTRICT SCHOOL BOARD NO. 25	242,129,284
DISTRICT SCHOOL BOARD NO. 26	144,614,474
DISTRICT SCHOOL BOARD NO. 27	90,710,912
DISTRICT SCHOOL BOARD NO. 28	44,624,479
DISTRICT SCHOOL BOARD NO. 29	76,613,476
DISTRICT SCHOOL BOARD NO. 30A	21,473,504
DISTRICT SCHOOL BOARD NO. 30B	21,782,444
DISTRICT SCHOOL BOARD NO. 31	34,312,708
DISTRICT SCHOOL BOARD NO. 32	45,171,564
DISTRICT SCHOOL BOARD NO. 33A	5,999,909
DISTRICT SCHOOL BOARD NO. 33B	5,567,120
DISTRICT SCHOOL BOARD NO. 34A	36,831,381
DISTRICT SCHOOL BOARD NO. 34B	4,939,402
DISTRICT SCHOOL BOARD NO. 35	21,771,626
DISTRICT SCHOOL BOARD NO. 36	21,527,665
DISTRICT SCHOOL BOARD NO. 37	104,524,004
DISTRICT SCHOOL BOARD NO. 38	92,978,259
DISTRICT SCHOOL BOARD NO. 39	62,272,281
DISTRICT SCHOOL BOARD NO. 40	329,052,070
DISTRICT SCHOOL BOARD NO. 41	55,448,522
DISTRICT SCHOOL BOARD NO. 42	155,805,786
DISTRICT SCHOOL BOARD NO. 43	271,944,251

## TABLE

	<b>1998 BASE</b>
DISTRICT SCHOOL BOARD NO. 44	67,443,865
DISTRICT SCHOOL BOARD NO. 45	96,844,931
DISTRICT SCHOOL BOARD NO. 46	71,721,530
DISTRICT SCHOOL BOARD NO. 47	103,024,674
DISTRICT SCHOOL BOARD NO. 48	28,296,545
DISTRICT SCHOOL BOARD NO. 49	90,586,771
DISTRICT SCHOOL BOARD NO. 50	96,302,731
DISTRICT SCHOOL BOARD NO. 51	40,111,662
DISTRICT SCHOOL BOARD NO. 52	65,047,255
DISTRICT SCHOOL BOARD NO. 53	150,528,001
DISTRICT SCHOOL BOARD NO. 54	26,785,606
DISTRICT SCHOOL BOARD NO. 55	55,021,681
CONSEIL SCOLAIRE DE DISTRICT #56	5,377,628
CONSEIL SCOLAIRE DE DISTRICT #57	14,225,258
CONSEIL SCOLAIRE DE DISTRICT #58	17,999,908
CONSEIL SCOLAIRE DE DISTRICT #59	40,796,208
CONSEIL SCOLAIRE DE DISTRICT #60-A	55,960,446
CONSEIL SCOLAIRE DE DISTRICT #60-L	21,086,502
CONSEIL SCOLAIRE DE DISTRICT #61	50,135,245
CONSEIL SCOLAIRE DE DISTRICT #62	3,202,139
CONSEIL SCOLAIRE DE DISTRICT #63	30,932,965
CONSEIL SCOLAIRE DE DISTRICT #64	49,885,441
CONSEIL SCOLAIRE DE DISTRICT #65	78,815,393
CONSEIL SCOLAIRE DE DISTRICT #66	69,417,645

**SCHOOL AUTHORITIES**

AIRY AND SABINE DSA BOARD	183,800
ASQUITH AND GARVEY DSA BOARD	437,950
CARAMAT DSA BOARD	536,938
COLLINS DSA BOARD	269,417
CONNELL AND PONSFORD DSA BOARD	982,038
FOLEYET DSA BOARD	491,648
GOGAMA DSA BOARD	280,788
JAMES BAY LOWLANDS SECONDARY SCHOOL BD	3,477,856
KASHABOWIE DSA BOARD	62,451
KILKENNY DSA BOARD	17,244
MINE CENTRE DSA BOARD	87,459
MISSARENDA DSA BOARD	243,680
MOOSE FACTORY ISLAND DSA BOARD	1,696,699
MOOSONEE DSA BOARD	2,518,481
MURCHISON AND LYELL DSA BOARD	219,488
NAKINA DSA BOARD	688,795
NORTHERN DSA BOARD	1,223,328
STURGEON LAKE DSA BOARD	78,182
SUMMER BEAVER DSA BOARD	0
UPSALA DSA BOARD	485,112
ATIKOKAN RCSS BOARD	1,546,062
DUBREUILVILLE RCSS BOARD	1,007,228
FOLEYET RCSS BOARD	603,526

## TABLE

	1998 BASE
GOGAMA RCSS BOARD	624,422
HORNEPAYNE RCSS BOARD	882,518
IGNACE RCSS BOARD	554,168
MOOSONEE RCSS BOARD	1,569,662
RED LAKE AREA COMBINED RCSS BOARD	1,132,151
THE PARRY SOUND RCSS BOARD	723,230
BLOORVIEW MACMILLAN SCHOOL AUTHORITY	1,841,934
CAMPBELL CHILDREN'S SCHOOL BD OF ED	323,315
CARDIFF-BICROFT RCSS BOARD	140,330
ESSEX CTY CHILDREN'S REHAB BD OF ED	655,502
NIAGARA PEN CPLD CHLD TMT CTRE B OF E	1,211,788
OTTAWA CHILDREN'S TRTMT CTRE BD OF ED	734,269
PENETANGUISHENE PROTESTANT SEP SCH BD	1,000,620
WATERLOO NORTH CHILDREN'S CTR BD OF ED	655,000

12/98

**ONTARIO REGULATION 93/98**  
made under the  
**EDUCATION ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 460/97  
(Transition from Old Boards to  
District School Boards)

Note: Ontario Regulation 460/97 has not previously been amended.

1. Item 12 of Schedule 1 to Ontario Regulation 460/97 is amended by striking out "57" in Column 3 and substituting "56".

12/98

**RÈGLEMENT DE L'ONTARIO 93/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 4 mars 1998  
déposé le 5 mars 1998

modifiant le Règl. de l'Ont. 460/97  
(Transition des anciens conseils aux  
conseils scolaires de district)

Remarque : Le Règlement de l'Ontario 460/97 n'a pas été modifié antérieurement.

1. Le point 12 de l'annexe 1 du Règlement de l'Ontario 460/97 est modifié par substitution de «56» à «57» à la colonne 3.

**ONTARIO REGULATION 94/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 340/94  
(Drivers' Licences)

Note: Since January 1, 1997, Ontario Regulation 340/94 has been amended by Ontario Regulations 149/97, 251/97, 416/97, 509/97 and 19/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 24 (1.1) of Ontario Regulation 340/94 is revoked.

2. This Regulation comes into force on March 31, 1998.

12/98



**ONTARIO REGULATION 95/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Revoking O. Reg. 11/98  
(Extending Time Periods Relating to Drivers' Licences in  
Emergency Situation—Ontario Regulation 340/94)  
and

Revoking O. Reg. 12/98  
(Extending Validity of Certificates and Permits in  
Emergency Situation—Regulation 628)

**1. Ontario Regulations 11/98 and 12/98 are revoked.**

12/98

**ONTARIO REGULATION 96/98**  
made under the  
**TORONTO AREA TRANSIT OPERATING  
AUTHORITY ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 481/97  
(Recovery of Costs of the Toronto Area Transit  
Operating Authority)

Note: Ontario Regulation 481/97 has not previously been amended.

**1. Subsection 4 (1) of Ontario Regulation 481/97 is amended by striking out "March 1, 1998" at the end and substituting "April 30, 1998".**

12/98

**ONTARIO REGULATION 97/98**  
made under the  
**MENTAL HEALTH ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending Reg. 741 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 741 has been amended by Ontario Regulation 476/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Schedule 1 to Regulation 741 of the Revised Regulations of Ontario, 1990 is amended by adding the following item:**

58.1 Toronto      Addiction and Mental Health Services  
Corporation

**(2) Item 60 of Schedule 1 to the Regulation is revoked.**

12/98

**RÈGLEMENT DE L'ONTARIO 97/98**  
pris en application de la  
**LOI SUR LA SANTÉ**

pris le 4 mars 1998  
déposé le 5 mars 1998

modifiant le Règl. 741 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 741 a été modifié par le Règlement de l'Ontario 476/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. (1) L'annexe 1 du Règlement 741 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction du point suivant :**

58.1 Toronto      Association des services de santé mentale et  
de lutte contre la toxicomanie

**(2) Le point 60 de l'annexe 1 du Règlement est abrogé.**

**ONTARIO REGULATION 98/98**  
made under the  
**PHARMACY ACT, 1991**

Made: February 6, 1998  
Approved: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 202/94  
(General)

Note: Since January 1, 1997, Ontario Regulation 202/94 has been amended by Ontario Regulation 121/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Ontario Regulation 202/94 is amended by adding the following section:**

**29.1** It is a condition of a certificate of registration of a pharmacist listed in Part B of the register referred to in section 44 that the pharmacist not,

(a) dispense, sell or compound drugs;

(b) provide information related to drug use in the course of providing direct patient care; or

(c) be the designated manager of an accredited pharmacy.

**2. The Regulation is amended by adding the following Part:**

**PART VIII**  
**QUALITY ASSURANCE**

**GENERAL**

**41.** In this Part,

"assessor" means an assessor appointed under section 81 of the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee.

42. The Committee shall administer the quality assurance program, which shall include the following components:

1. Maintenance of a portfolio of continuous learning.
2. Maintenance of a two-part register for pharmacist members.
3. Practice review and remediation.
4. Remediation of behaviour and remarks of a sexual nature.

#### CONTINUOUS LEARNING PORTFOLIO

43. (1) A pharmacist shall maintain a portfolio of continuous learning activities in accordance with guidelines on such activities published by the College and distributed to the members.

(2) A pharmacist shall submit the portfolio to the College on request.

#### TWO-PART REGISTER FOR PHARMACIST MEMBERS

44. (1) The part of the register that lists pharmacist members shall have a Part A (direct patient care) and a Part B (non-direct patient care).

(2) A pharmacist shall be listed in either Part A or Part B.

45. (1) Within 30 days of the day this Regulation comes into force, a pharmacist shall ask to be listed in Part A or Part B by completing and submitting the form provided by the Registrar.

(2) Upon being issued a certificate of registration as a pharmacist for the first time, a pharmacist shall ask to be listed in Part A or Part B by completing and submitting the form provided by the Registrar.

(3) Every year at the time of paying the annual membership fee, a pharmacist shall ask for a renewal of his or her listing in Part A or Part B or for a transfer to the other Part.

(4) A pharmacist who asks for a renewal of a listing in Part A after the later of the third anniversary of the coming into force of this Regulation or of the pharmacist being issued a certificate of registration as a pharmacist for the first time shall not be listed in that Part unless he or she has dispensed, sold or compounded drugs, provided non-prescription drugs, health care aids and devices or information related to drug use for at least 600 hours during the preceding three years in the course of providing direct patient care while practising the profession in Canada.

46. (1) A pharmacist may ask for a transfer from Part A to Part B or from Part B to Part A at any time.

(2) If a pharmacist listed in Part A asks for a transfer to Part B, the pharmacist shall be transferred to Part B.

(3) If a pharmacist listed in Part B asks for a transfer to Part A, the pharmacist shall be transferred to Part A if he or she,

- (a) undergoes a practice review in accordance with section 47; and
- (b) satisfies the educational and practice requirements that may be specified by the Committee.

(4) If the Registrar proposes to reject a request for a transfer to Part A, the request shall be referred to a panel of the Committee.

(5) The pharmacist shall be given a reasonable opportunity to make written submissions to the panel before it makes a decision.

(6) A pharmacist whose request to be listed in Part A is rejected by the panel may appeal to another panel of the Committee.

(7) No member of a panel that rejects a request to be listed in Part A shall sit on a panel hearing an appeal of that decision.

(8) On an appeal, the pharmacist shall be given a reasonable opportunity to make written submissions to the panel before it makes a decision.

#### PRACTICE REVIEW AND REMEDIATION

47. (1) Each year the College shall select at random the names of pharmacists required to undergo a practice review.

(2) A pharmacist listed in Part A is required to undergo a practice review if his or her name is selected at random or the member is referred to the Committee by the Complaints Committee or Executive Committee.

(3) If a pharmacist listed in Part A fails to undergo a required practice review, the Committee may transfer the pharmacist to Part B after giving him or her a reasonable opportunity to make written submissions.

(4) A pharmacist listed in Part B is required to undergo a practice review if he or she is referred to the Committee by the Complaints Committee or Executive Committee or if the pharmacist has asked to be listed in Part A under subsection 46 (3).

(5) The Committee shall appoint an assessor to conduct a practice review.

(6) The assessor shall prepare a written report on the review and submit it to the Committee.

(7) After considering the report, the Committee may decide,

(a) that no further action is required;

(b) that the pharmacist is required to undertake the remediation specified by the Committee to correct any deficiency in his or knowledge, skills or judgment identified by the review; or

(c) that the pharmacist is to be listed in Part A where the review took place pursuant to a request to be listed in Part A.

(8) If the Committee proposes to require a pharmacist to undertake remediation under clause (7) (b), it shall not do so unless,

(a) the pharmacist has been given a report of the results of the review;

(b) the pharmacist has been given written notice of the Committee's intention to require him or her to undertake remediation;

(c) the pharmacist has been given at least 14 days from receipt of the notice to make written submissions to the Committee; and

(d) the Committee has considered any such submissions.

(9) After the pharmacist undertakes the specified remediation, the Committee may require him or her to undergo another practice review by an assessor, and subsections (6), (7) and (8) apply to that review.

48. (1) If the Committee requires a pharmacist to undertake remediation under section 47 and the pharmacist either fails to do so or fails to successfully complete the remediation, the Committee may direct the Registrar to impose terms, conditions or limitations on the pharmacist's certificate of registration for a specified period not exceeding six months.

(2) If the Committee proposes to make a direction under subsection (1), it shall not do so unless,

- (a) the pharmacist has been given written notice of its intention;
- (b) the pharmacist has been given at least 14 days from receipt of the notice to make written submissions to the Committee or to request an appearance before the Committee in order to make oral submissions; and
- (c) the Committee has considered any such submissions.

(3) A pharmacist who requests an appearance under clause (2) (b) shall be given a reasonable opportunity to appear but the Committee may dispose of the matter if he or she has been given a reasonable opportunity to appear and does not.

(4) If the period specified under subsection (1) expires and the pharmacist still has not undertaken or successfully completed the remediation, the Committee may report him or her to the Executive Committee and provide it with such information as it considers appropriate, except information that may not be disclosed under section 83 of the Health Professions Procedural Code.

(5) If the Registrar imposes terms, conditions or limitations on a pharmacist's certificate of registration for a specified period pursuant to a direction given by the Committee under subsection (1), the Committee may direct the Registrar to remove the terms, conditions or limitations before the end of the specified period if the Committee is satisfied that they are no longer needed.

(6) After directing the imposition of terms, conditions or limitations on a pharmacist's certificate of registration for a specified period not exceeding six months under subsection (1), the Committee may direct the imposition of terms, conditions or limitation on the pharmacist's certificate of registration for a second specified period not exceeding six months under subsection (1) but, after having done so, the Committee shall not direct the imposition of terms, conditions or limitations on the pharmacist's certificate of registration for any further specified period.

(7) If the Committee directs a second imposition of terms, conditions or limitations on the pharmacist's certificate, subsections (2), (3), (4) and (5) apply with respect to the second imposition.

#### REMEDATION OF BEHAVIOUR AND REMARKS OF A SEXUAL NATURE

49. (1) This section applies to matters referred to the Committee by,

- (a) a panel of the Complaints Committee under subsection 26 (3) of the Health Professions Procedural Code; and
- (b) the Executive Committee under section 79.1 of the Code.

(2) The chair of the Committee shall establish a panel from among the members of the Committee for the purpose of considering a matter referred to in subsection (1).

(3) The chair of the Committee shall appoint a mediator to attempt to resolve the matter.

(4) If the mediator is unable to resolve the matter within 90 days after being appointed, the mediator shall report the failure to the chair without delay and provide the chair with a written report on the mediation.

(5) The chair shall give the member complained against a copy of the mediator's report and a notice advising him or her of the right to make written submissions to the panel.

(6) The member shall be given at least 14 days after receipt of the mediator's report and recommendations to make written submissions to the panel or to request an appearance before the panel to make oral submissions, or to do both.

(7) A member who requests an appearance shall be given a reasonable opportunity to make an appearance, but the panel may dispose of the matter without such appearance if the member has been given a reasonable opportunity to appear.

(8) If the mediation concerns a matter referred by the Complaints Committee, the chair shall give the complainant a copy of the mediator's report.

(9) A mediator's proposed resolution of a matter referred to the Committee by the Complaints Committee must be acceptable to the complainant, the member complained against and the panel.

(10) A mediator's proposed resolution of a matter referred to the Committee by the Executive Committee must be acceptable to the member complained against and the panel.

(11) After considering the mediator's report and any written or oral submissions, the panel may require the member to undergo an assessment for the purpose of establishing if he or she requires education with respect to sexual abuse.

(12) The assessment shall be carried out by an assessor appointed by the Committee.

(13) The assessor shall provide a written report to the panel and shall make such recommendations as the assessor considers appropriate about the member's need for education with respect to sexual abuse.

(14) A copy of the report and recommendations, and a notice informing him or her of the right to make submissions in accordance with subsections (6) and (7), shall be provided to the member.

(15) After considering the assessor's report and recommendations and the member's submissions, if any, the panel may require the member to attend or participate in a sexual abuse education program.

(16) If the panel proposes to take action under subsection (15), the member has the right to make submissions in accordance with subsections (6) and (7).

50. (1) If a member refuses to undergo an assessment under subsection 49 (11) or to attend or participate in a program under subsection 49 (15), the panel may direct the Registrar to impose terms, conditions or limitations on the member's certificate of registration for a specified period not exceeding six months.

(2) If the panel proposes to take action under subsection (1), the member has the right to make submissions in accordance with subsections 49 (6) and (7).

(3) If the panel is satisfied that the terms, conditions and limitations imposed on a member's certificate or registration are no longer needed, it shall direct the Registrar to remove them before the end of the specified period.

(4) If, at the end of the specified period, the member continues to refuse to undergo the required assessment or to attend or participate in the program, the panel shall refer the matter to the Executive Committee.

## PANEL REQUIREMENTS

51. (1) The Committee may sit as a panel to consider a report on a practice review or any matter arising out of a practice review, a matter relating to the imposition of terms, conditions or limitations on a member's registration under section 48 or a matter under section 49.

(2) A panel shall have at least three members appointed by the chair of the Committee from among the Committee members; at least one member of the panel shall be a member appointed to the Committee by the Lieutenant Governor in Council.

(3) Three members of a panel constitute a quorum.

COUNCIL OF THE ONTARIO COLLEGE OF PHARMACISTS:

STEVEN A. BALESTRINI  
*President*

A. JIM DUNSDON  
*Registrar*

Dated on February 6, 1998.

12/98

**ONTARIO REGULATION 100/98**  
made under the  
**FRENCH LANGUAGE SERVICES ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 398/93  
(Designation of Public Service Agencies)

Note: Ontario Regulation 398/93 has not been amended in 1997 or 1998. For previous amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) The designation of Centre des Pionniers in Toronto in section 1 of Ontario Regulation 398/93 is revoked and the following substituted:

Les Centres d'Accueil Héritage in Toronto but only in respect of Centre des Pionniers and the Supportive Housing Programs for the elderly and for AIDS patients of Place Saint-Laurent carried out on behalf of the Ministry of Health.

(2) Section 1 of the Regulation is amended by adding the following designations:

Centre Passage Parallèle des ressources familiales du Nipissing Inc. in respect of the programs carried out on behalf of the Ministry of Community and Social Services.

**ONTARIO REGULATION 99/98**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: February 21, 1998  
Approved: March 4, 1998  
Filed: March 5, 1998

Amending Reg. 964 of R.R.O. 1990  
(Classification of Hospitals)

Note: Since January 1, 1997, Regulation 964 has been amended by Ontario Regulations 274/97, 360/97 and 49/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Item 2 under the heading "Group H Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. Toronto                      Addiction and Mental Health  
   Services Corporation

(2) Item 1 under the heading "Group I Hospitals" in the Schedule to the Regulation is revoked.

(3) Item 1 under the heading "Group L Hospitals" in the Schedule to the Regulation is revoked and the following substituted:

1. Toronto                      Addiction and Mental Health  
   Services Corporation

ELIZABETH WITMER  
*Minister of Health*

Dated on February 21, 1998.

12/98

**RÈGLEMENT DE L'ONTARIO 100/98**  
pris en application de la  
**LOI SUR LES SERVICES EN FRANÇAIS**

pris le 4 mars 1998  
déposé le 5 mars 1998

modifiant le Règl. de l'Ont. 398/93  
(Désignation d'organismes offrant des services publics)

Remarque : Le Règlement de l'Ontario 398/93 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. (1) La désignation du Centre des Pionniers à Toronto qui figure à l'article 1 du Règlement de l'Ontario 398/93 est abrogée et remplacée par ce qui suit :

Les Centres d'Accueil Héritage à Toronto mais seulement à l'égard du Centre des Pionniers et du programme de logement avec services de soutien pour personnes âgées et personnes atteintes du SIDA de la Place Saint-Laurent exécutés pour le compte du ministère de la Santé.

(2) L'article 1 du Règlement est modifié par adjonction des désignations suivantes :

Centre Passage Parallèle des ressources familiales du Nipissing Inc. à l'égard des programmes exécutés pour le compte du ministère des Services sociaux et communautaires.

Employment and Education Resource Centre of Cornwall and District, Inc. in respect of the programs carried out on behalf of the Ministry of Education and Training.

The Glengarry Inter-Agency Group Inc. in Alexandria but only in respect of the Adult Protective Services carried out on behalf of the Ministry of Community and Social Services and the Adult Day Service carried out on behalf of the Ministry of Health.

Options Bytown Non-Profit Housing Corporation of Ottawa-Carleton but only in respect of the Supportive Housing Program carried out on behalf of the Ministry of Community and Social Services.

The Ottawa Day Nursery but only in respect of the Child Care Special Needs Resourcing and Child Care Information Programs carried out on behalf of the Ministry of Community and Social Services.

The Religious Hospitalers of St. Joseph of Cornwall, Ontario at Kingston but only in respect of the business office, administration, cardio-respiratory, chronic care, critical care unit, diabetic, dietary, human resources, lifeline, medical, operating room, physical therapy, surgical, social work, switchboard and volunteer programs carried out by Hotel Dieu Hospital at Cornwall on behalf of the Ministry of Health and only in respect of the administration, switchboard, dietary and social work programs carried out by St. Joseph Villa at Cornwall on behalf of the Ministry of Health.

Employment and Education Resource Centre of Cornwall and District, Inc. à l'égard des programmes exécutés pour le compte du ministère de l'Éducation et de la Formation.

The Glengarry Inter-Agency Group Inc. à Alexandria mais seulement à l'égard du programme de services de protection des adultes exécuté pour le compte du ministère des Services sociaux et communautaires et du programme de service de jour pour adultes exécuté pour le compte du ministère de la Santé.

Options Bytown Non-Profit Housing Corporation d'Ottawa-Carleton mais seulement à l'égard du programme de logement avec services de soutien exécuté pour le compte du ministère des Services sociaux et communautaires.

The Ottawa Day Nursery mais seulement à l'égard des programmes de ressources liées aux besoins particuliers des enfants dans les services de garde et de renseignements sur les services de garde d'enfants exécutés pour le compte du ministère des Services sociaux et communautaires.

The Religious Hospitalers of St. Joseph of Cornwall, Ontario à Kingston mais seulement à l'égard des programmes de comptabilité, d'administration, de services cardio-respiratoires, de soins aux malades chroniques, de services de soins intensifs, de services aux diabétiques, de diététique, de ressources humaines, de lifeline, de médecine, du bloc opératoire, de physiothérapie, de chirurgie, de services sociaux, de standardiste et de services de bénévoles exécutés par l'Hôtel Dieu Hospital à Cornwall et seulement à l'égard des programmes d'administration, de standardiste, de diététique et de services sociaux exécutés par St. Joseph Villa à Cornwall pour le compte du ministère de la Santé.

12/98

**ONTARIO REGULATION 101/98**  
made under the  
**SOCIAL HOUSING FUNDING ACT, 1997**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 488/97  
(General)

Note: Ontario Regulation 488/97 has not previously been amended.

1. The Tables to Ontario Regulation 488/97 are revoked and the following substituted:

**TABLE 1**  
**GREATER TORONTO AREA**

COLUMN 1	COLUMN 2
Regional Municipality of Durham	7.1194 per cent
Regional Municipality of Halton	7.2916 per cent
Regional Municipality of Peel	18.4278 per cent
City of Toronto	52.2424 per cent
Regional Municipality of York	14.9188 per cent

**TABLE 2**  
**TERRITORIAL DISTRICT OF KENORA**

COLUMN 1	COLUMN 2
Township of Ignace	2.2454 per cent

Township of Sioux Narrows	2.7177 per cent
Town of Keewatin	4.5566 per cent
Town of Jaffray Melick	9.6095 per cent
Town of Kenora	28.7655 per cent
Township of Machin	3.0543 per cent
City of Dryden	32.2653 per cent
Township of Ear Falls	1.4545 per cent
Town of Sioux Lookout	5.9395 per cent
Township of Red Lake	3.4257 per cent
Township of Golden	5.2828 per cent
Township of Pickle Lake	0.6832 per cent

**TABLE 3**  
**TERRITORIAL DISTRICT OF MANITOULIN**

COLUMN 1	COLUMN 2
Township of Tehkummah	5.0364 per cent
Township of Carnarvon	12.0140 per cent
Township of Sandfield	7.1484 per cent
Township of Assiginack	12.3556 per cent
Town of Northeastern Manitoulin & The Islands	27.9597 per cent
Township of Billings	10.7255 per cent
Township of Gordon	8.0775 per cent

Town of Gore Bay	7.0813 per cent
Township of Burpee & Mills	3.2778 per cent
Township of Barrie Island	1.3148 per cent
Township of Cockburn Island	1.4793 per cent
Township of Rutherford & George Island	3.5297 per cent

TABLE 4

## TERRITORIAL DISTRICT OF THUNDER BAY

COLUMN 1	COLUMN 2
Township of Neebing	0.7541 per cent
City of Thunder Bay	81.6255 per cent
Township of Gillies	0.1963 per cent
Township of O'Connor	0.3282 per cent
Township of Conmee	0.3084 per cent
Township of Oliver & Paipoonge	3.2013 per cent
Township of Shuniah	2.8742 per cent
Township of Dorion	0.2970 per cent
Township of Red Rock	1.2349 per cent
Township of Nipigon	0.8496 per cent
Township of Schreiber	0.5491 per cent
Township of Terrace Bay	2.0844 per cent
Town of Marathon	2.5438 per cent
Township of Manitouwadge	0.6743 per cent
Town of Geraldton	0.9949 per cent
Township of Nakina	0.1124 per cent
Town of Longlac	0.9487 per cent
Township of Beardmore	0.4229 per cent

TABLE 5

## TERRITORIAL DISTRICT OF TIMISKAMING

COLUMN 1	COLUMN 2
Township of Coleman	2.5417 per cent
Town of Latchford	0.6697 per cent
Town of Cobalt	1.8790 per cent
Town of Haileybury	13.7057 per cent
Township of Harris	1.7837 per cent
Township of Dymond	9.9679 per cent
Town of New Liskeard	18.7774 per cent

Township of Hudson	2.5106 per cent
Township of Kerns	1.6200 per cent
Township of Harley	1.5924 per cent
Township of Casey	0.9351 per cent
Township of Brethour	0.3510 per cent
Township of Hilliard	0.5892 per cent
Township of Armstrong	3.6727 per cent
Village of Thornloe	0.1950 per cent
Township of James	1.3679 per cent
Township of Dack	1.2536 per cent
Town of Charlton	0.5368 per cent
Township of Evanturel	2.0838 per cent
Town of Englehart	4.8093 per cent
Township of Chamberlain	2.4124 per cent
Township of Matachewan	0.6628 per cent
Township of McGarry	0.9349 per cent
Township of Larder Lake	1.9239 per cent
Township of Gauthier	0.3089 per cent
Town of Kirkland Lake	22.9146 per cent

TABLE 6

## TERRITORIAL DISTRICT OF ALGOMA

COLUMN 1	COLUMN 2
Algoma District Welfare Administration Board	25.5877 per cent
City of Sault Ste. Marie	74.4123 per cent

TABLE 7

## TERRITORIAL DISTRICT OF COCHRANE

COLUMN 1	COLUMN 2
Cochrane District Welfare Administration Board	42.5735 per cent
City of Timmins	57.4265 per cent

TABLE 8

## TERRITORIAL DISTRICT OF NIPISSING

COLUMN 1	COLUMN 2
Nipissing District Welfare Administration Board	27.5274 per cent
City of North Bay	72.4726 per cent

TABLE 9

## COUNTY OF BRANT

COLUMN 1	COLUMN 2
County of Brant	27.6779 per cent
City of Brantford	72.3221 per cent

TABLE 10

## COUNTY OF ELGIN

COLUMN 1	COLUMN 2
County of Elgin	59.7435 per cent
City of St. Thomas	40.2565 per cent

TABLE 11

## COUNTY OF ESSEX

COLUMN 1	COLUMN 2
County of Essex	40.1785 per cent
Township of Pelee	0.2140 per cent
City of Windsor	59.6075 per cent

TABLE 12

## COUNTY OF FRONTENAC

COLUMN 1	COLUMN 2
Frontenac Board of Management	19.7900 per cent
City of Kingston	80.2100 per cent

TABLE 13

## COUNTY OF GREY

COLUMN 1	COLUMN 2
County of Grey	73.9387 per cent
City of Owen Sound	26.0613 per cent

TABLE 14

## COUNTY OF HASTINGS

COLUMN 1	COLUMN 2
County of Hastings	27.6162 per cent
City of Belleville	43.5670 per cent
City of Quinte West	28.8168 per cent

TABLE 15

## COUNTY OF LANARK

COLUMN 1	COLUMN 2
County of Lanark	85.3517 per cent
Town of Smith Falls	14.6483 per cent

TABLE 16

## COUNTY OF LEEDS &amp; GRENVILLE

COLUMN 1	COLUMN 2
County of Leeds & Grenville	62.4772 per cent
Town of Prescott	3.7783 per cent
City of Brockville	28.2561 per cent
Town of Gananoque	5.4884 per cent

TABLE 17

## COUNTY OF MIDDLESEX

COLUMN 1	COLUMN 2
County of Middlesex	14.5215 per cent
City of London	85.4785 per cent

TABLE 18

## COUNTY OF PERTH

COLUMN 1	COLUMN 2
County of Perth	42.4607 per cent
City of Stratford	47.6914 per cent
Town of St. Marys	9.8479 per cent

TABLE 19

## COUNTY OF PETERBOROUGH

COLUMN 1	COLUMN 2
County of Peterborough	49.5611 per cent
City of Peterborough	50.4389 per cent

TABLE 20

## COUNTY OF RENFREW

COLUMN 1	COLUMN 2
County of Renfrew	83.9423 per cent
City of Pembroke	16.0577 per cent



TABLE 21

## COUNTY OF SIMCOE

COLUMN 1	COLUMN 2
County of Simcoe	69.4928 per cent
City of Barrie	22.3522 per cent
City of Orillia	8.1550 per cent

TABLE 22

## COUNTY OF STORMONT, DUNDAS &amp; GLENGARRY

COLUMN 1	COLUMN 2
County of Stormont, Dundas & Glengarry	56.9841 per cent
City of Cornwall	43.0159 per cent

TABLE 23

## COUNTY OF WELLINGTON

COLUMN 1	COLUMN 2
County of Wellington	39.1108 per cent
City of Guelph	60.8892 per cent

12/98

**ONTARIO REGULATION 102/98**  
made under the  
**BUILDING CODE ACT**

Made: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 403/97  
(General)

Note: Ontario Regulation 403/97 has been amended by Ontario Regulation 22/98.

1. Sentence 3.2.4.22. (1) of Ontario Regulation 403/97 is amended by striking out "Subsection 3.2.6." in the first line and substituting "Subsection 3.2.6 or Clause 3.3.2.4. (11.2) (f)".

2. (1) Sentence 3.3.2.3. (3) of the Regulation is amended by striking out "Sentence (4)" in the first line and substituting "Sentences (4) and (5)".

(2) Sentence 3.3.2.3. (5) of the Regulation is revoked and the following substituted:

(5) The requirements of Sentence (3) do not apply if

- (a) there are not more than 7 seats between any seat and the nearest aisle, where the seats are served by a single aisle,
- (b) there are not more than 20 seats between any seat and the nearest aisle, where the seats are served by two aisles,

(c) each row has an unobstructed passage with minimum width of 400 mm plus 6.1 mm for each additional seat above 16 seats in the row, and

(d) the travel distance is not more than 45 m measured along the path of travel from any seat to an *exit* or to an egress doorway.

(6) Seating arrangements that do not conform to the requirements of Sentences (3) to (5) are permitted provided the standard of safety is not reduced and the time required for egress is not increased.

(3) Article 3.3.2.4. of the Regulation is amended by adding the following Sentence:

(10.1) The requirements in Sentences (5) to (10) and Sentence (14) do not apply if

(a) the minimum clear width of an aisle is in accordance with Article 3.3.1.16., but is not less than 900 mm if serving seats on one side only,

(b) the minimum clear width of an aisle is in accordance with Article 3.3.1.16., but is not less than 1 200 mm if serving seats on both sides,

(c) the minimum clear width of a converging aisle is in accordance with Article 3.3.1.16., but not less than the width of the widest aisle leading to the converging aisle,

(d) the minimum clear width of an *exit* leading directly from the seating area is in accordance with Article 3.4.3.4.,

(e) except as provided in Clause (f), the minimum clear width of an egress doorway leading directly from the seating area is in accordance with Article 3.3.1.16., but not less than the required width of the aisle or the converging aisle leading to the doorway, and

(f) if more than one vomitory is provided

(i) the minimum total clear width of the egress doorways leading from one vomitory is not less than the required width of the aisle or the converging aisle leading to the doorways, and

(ii) the minimum clear width of egress doorways from additional vomitories is in accordance with Article 3.3.1.16.

(4) Sentence 3.3.2.4.(11) of the Regulation is revoked and the following substituted:

(11) Except as provided in Sentences (11.1) and (11.2), dead-end aisles shall be not more than 6 m long.

(11.1) Dead-end aisles are permitted to be more than 6 m long, but not more than 10 m long if

(a) the seating area is separated from other seating areas and adjacent *occupancies*, including a corridor serving any seating area, by a *fire separation* in accordance with Sentences 3.3.2.2. (1) and (2),

(b) the travel distance is not more than 25 m measured along the path of travel from any seat to an *exit*, to an egress doorway or to an opening into a vomitory,

(c) at least one *means of egress*, comprising not less than 30 per cent of the required *exit* capacity, is through an exterior *exit*, an *exit* stairway or a corridor not containing an *occupancy*,



- (d) each row served by the dead-end aisle has a minimum unobstructed width of 400 mm plus 6.1 mm for each additional seat above 7 seats in a row, but not more than 550 mm,
- (e) the minimum ceiling height above the seating area is 3 m,
- (f) the activation of a *fire detector* or a sprinkler head in the seating area will
  - (i) cause the shutdown of the projection system serving the seating area, and
  - (ii) turn on the normal lighting in the seating area, and
- (g) the *floor area* is *sprinklered*.

(11.2) Dead-end aisles are permitted to be more than 10 m long, but not more than 13 m long if

- (a) the seating area is separated from other seating areas and adjacent *occupancies*, including a corridor serving any seating area, by a *fire separation* in accordance with Sentences 3.3.2.2. (1) and (2),
- (b) the travel distance is not more than 25 m measured along the path of travel from any seat to an *exit*, to an egress doorway or to an opening into a vomitory,
- (c) at least one *means of egress*, comprising not less than 30 per cent of the required *exit* capacity, is through an exterior *exit*, an *exit* stairway or a corridor not containing an *occupancy*,

- (d) each row served by a dead-end aisle has a minimum unobstructed width of 400 mm plus 6.1 mm for each additional seat above 7 seats in a row, but not more than 550 mm,
- (e) the activation of a *fire detector* or a sprinkler head in the seating area will
  - (i) cause the shutdown of the projection system serving the seating area, and
  - (ii) turn on the normal lighting in the seating area,
- (f) a voice communication system is installed in conformance with Article 3.2.4.22.,
- (g) a smoke control system is installed to control movement of smoke in the seating area or a smoke exhaust system is provided so that, in the event of detection of smoke by a *smoke detector* in the seating area, air handling equipment is activated to extract air directly from the seating area at the rate of at least 6 air changes per hour, and
- (h) the *floor area* is *sprinklered*.

(5) Sentence 3.3.2.4.(14) is revoked and the following substituted:

(14) Side aisles shall be not less than 1 100 mm wide if seating is provided in conformance with Sentence 3.3.2.3.(4).

12/98

**ONTARIO REGULATION 103/98**  
made under the  
**COURTS OF JUSTICE**

Made: February 12, 1998  
Approved: March 4, 1998  
Filed: March 5, 1998

Amending O. Reg. 223/97  
(Rules for the Toronto Region E-filing Pilot Project)

Note: Ontario Regulation 223/97 has been amended by Ontario Regulation 417/97.

**1. Rule 1.02 of Ontario Regulation 223/97 is revoked and the following substituted:**

**DEFINITION**

**1.02 (1)** In these rules,

“participant” means a law firm or legal department that,

- (a) has been trained in the use of the software selected by the Ministry of the Attorney General for the e-filing server at the court office in the Toronto region,
- (b) has purchased the software described in clause (a), and
- (c) is designated by the regional senior judge.

(2) The regional senior judge shall establish a list of participants, make copies of it available at the court office and keep it current.

**RÈGLEMENT DE L'ONTARIO 103/98**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 12 février 1998  
approuvé le 4 mars 1998  
déposé le 5 mars 1998

modifiant le Règl. de l'Ont. 223/97  
(Règles du projet pilote de dépôt électronique  
de la région de Toronto)

Remarque : Le Règlement de l'Ontario 223/97 a été modifié par le Règlement de l'Ontario 417/97.

**1. La règle 1.02 du Règlement de l'Ontario 223/97 est abrogée et remplacée par ce qui suit :**

**DÉFINITION**

**1.02 (1)** La définition qui suit s'applique aux présentes règles.

«participant» Cabinet d'avocats ou service du contentieux qui remplit les conditions suivantes :

- a) il a reçu la formation nécessaire pour utiliser le logiciel retenu par le ministère du Procureur général aux fins du serveur de dépôt électronique du greffe de la région de Toronto;
- b) il a acheté le logiciel visé à l'alinéa a);
- c) il est désigné par le juge principal régional.

(2) Le juge principal régional dresse une liste des participants, met des exemplaires de cette liste à la disposition du public au greffe et la tient à jour.

2. Rule 11.02 of the Regulation is revoked and the following substituted:

11.02 These rules are revoked on December 31, 1998.

3. The Schedule to the Regulation is revoked.

4. Form 2 of the Regulation is amended by adding the following before "Preparation Date: dd/mm/yy":

(Service by TDX)

I certify that I have in my possession a copy of (*selection from Menu 13*) bearing the original date stamp of the Toronto Document Exchange showing that service was effected on (*day + 1, unless holiday = next day that is not a holiday*).

(Acceptance or Admission of Service)

I certify that I have in my possession a copy of (*selection from Menu 13*) bearing the written (*acceptance/admission*) of (*name of solicitor of record*), solicitor(s) for the (*party*), showing that service was effected on (*date*).

12/98

## ONTARIO REGULATION 104/98 made under the DEVELOPMENT CHARGES ACT, 1997

Made: March 4, 1998  
Filed: March 6, 1998

Amending O. Reg. 82/98  
(General)

Note: Ontario Regulation 82/98 has not previously been amended.

1. Ontario Regulation 82/98 is amended by adding the following French version:

## DISPOSITIONS GÉNÉRALES

### DÉFINITIONS

1. (1) Les définitions qui suivent s'appliquent à la Loi et au présent règlement.

«immeuble industriel existant» Immeuble utilisé aux fins ou dans le cadre de ce qui suit :

- a) la fabrication, la production, le traitement, l'entreposage ou la distribution de quelque chose;
- b) les activités de recherche ou de développement effectuées dans le cadre de la fabrication, de la production ou du traitement de quelque chose;
- c) la vente au détail d'une chose par la personne qui l'a fabriquée, produite ou traitée, si la vente est effectuée au lieu de fabrication, de production ou de traitement;
- d) aux fins de bureaux ou à des fins d'administration qui remplissent les conditions suivantes :

2. La règle 11.02 du Règlement est abrogée et remplacée par ce qui suit :

11.02 Les présentes règles sont abrogées le 31 décembre 1998.

3. L'annexe du Règlement est abrogée.

4. La formule 2 du Règlement est modifiée par insertion de ce qui suit avant les mots «Date d'établissement : jj/mm/aa» :

(Signification via le CDDT)

Je certifie que j'ai en ma possession une copie d'un (d'une) (*choisir au menu 13*) portant le sceau du timbre dateur original du Centre de distribution de documents de Toronto, lequel montre que la signification a été faite le (*jour + 1, sauf s'il s'agit d'un jour férié = le jour suivant qui n'est pas un jour férié*).

(Acceptation ou reconnaissance de la signification)

Je certifie que j'ai en ma possession une copie d'un (d'une) (*choisir au menu 13*) portant (*l'acceptation/la reconnaissance*) écrite de (*nom du (de la) procureur(e)*), procureur(e)/procureurs de (*partie*), laquelle montre que la signification a été faite le (*date*).

## RÈGLEMENT DE L'ONTARIO 104/98 pris en application de la LOI DE 1997 SUR LES REDEVANCES D'AMÉNAGEMENT

pris le 4 mars 1998  
déposé le 6 mars 1998

modifiant le Règl. de l'Ont. 82/98  
(Dispositions générales)

Remarque : Le Règlement de l'Ontario 82/98 n'a pas été modifié antérieurement.

1. Le Règlement de l'Ontario 82/98 est modifié par adjonction de la version française suivante :

(i) elles concernent la fabrication, la production, le traitement, l'entreposage ou la distribution de quelque chose,

(ii) elle sont poursuivies dans l'immeuble ou la construction utilisé aux fins de ces activités de fabrication, de production, de traitement, d'entreposage ou de distribution, ou dans un immeuble ou une construction qui lui est rattaché. («existing industrial building»)

«surface de plancher hors œuvre brute» Surface de plancher totale de tous les étages situés au-dessus du niveau final moyen du sol le long de chaque mur extérieur d'un immeuble, laquelle surface est calculée entre les faces externes des murs extérieurs ou à partir de la face externe des murs extérieurs jusqu'à l'axe des murs mitoyens qui séparent l'immeuble d'un autre. («gross floor area»)

(2) La définition qui suit s'applique à la disposition 3 du paragraphe 2 (4) de la Loi.

«biens-fonds pour l'aménagement de parcs» :

- a) S'entend en outre de biens-fonds pour l'aménagement de boisés et de ceux qui sont acquis parce qu'ils sont écologiquement fragiles;

- b) ne s'entend pas des biens-fonds occupés par des constructions closes utilisées tout au long de l'année à des fins récréatives, ni des biens-fonds qui sont nécessaires à l'utilisation de ces constructions à ces fins, y compris les stationnements et les voies d'accès aux constructions.

#### EXONÉRATION VISANT LA CRÉATION DE LOGEMENTS ADDITIONNELS

2. Pour l'application de l'alinéa 2 (3) b) de la Loi, le tableau suivant précise l'appellation et la description des catégories d'immeubles d'habitation qui sont prescrites, le nombre maximal de logements additionnels qui sont prescrits dans le cas des immeubles qui appartiennent à ces catégories et les restrictions applicables à chaque catégorie.

APPELLATION DE LA CATÉGORIE D'IMMEUBLES D'HABITATION	DESCRIPTION DE LA CATÉGORIE D'IMMEUBLES D'HABITATION	NOMBRE MAXIMAL DE LOGEMENTS ADDITIONNELS	RESTRICTIONS
Habitations unifamiliales individuelles	Immeubles d'habitation dont chacun contient un logement individuel et qui ne sont pas contigus à d'autres immeubles.	Deux	La surface de plancher hors œuvre brute totale du ou des logements additionnels doit être égale ou inférieure à celle du logement que contient déjà l'immeuble.
Habitations jumelées ou en rangée	Immeubles d'habitation dont chacun contient un logement individuel et dont un ou deux murs verticaux sont, à l'exclusion de toute autre partie, contigus à d'autres immeubles.	Un	La surface de plancher hors œuvre brute du logement additionnel doit être égale ou inférieure à celle du logement que contient déjà l'immeuble.
Autres immeubles d'habitation	Immeubles d'habitation qui n'appartiennent pas à une autre catégorie d'immeubles d'habitation que vise le présent tableau.	Un	La surface de plancher hors œuvre brute du logement additionnel doit être égale ou inférieure à celle du logement le plus petit que contient déjà l'immeuble.

#### DÉTERMINATION DE L'INTENTION DE COMBLER UN BESOIN ACCRU

3. Pour l'application de la disposition 3 du paragraphe 5 (1) de la Loi, le conseil de la municipalité a manifesté son intention de veiller à ce qu'un besoin accru de services soit comblé si une expression de l'intention du conseil, notamment le plan officiel ou les prévisions des dépenses en immobilisations, prévoit cette augmentation et que le conseil l'a approuvée.

#### NIVEAU DE SERVICE

4. (1) Pour l'application de la disposition 4 du paragraphe 5 (1) de la Loi, l'évaluation du niveau et du niveau moyen de service tient compte tant du volume que de la qualité de celui-ci.

(2) Une zone géographique de la municipalité peut être exclue lors de l'évaluation du service et du niveau moyen de service si les conditions suivantes sont réunies :

- le service n'est pas fourni dans la zone exclue;
- la zone exclue est précisée dans le règlement.

(3) Si le niveau moyen de service qui est évalué est inférieur au niveau normal de service exigé aux termes d'une autre loi, ce dernier niveau peut être réputé le niveau moyen de service pour l'application de la disposition 4 du paragraphe 5 (1) de la Loi.

(4) Sous réserve du paragraphe (2), si un règlement de redevances d'aménagement s'applique à une partie seulement de la municipalité, le niveau et le niveau moyen de service ne peuvent être supérieurs à ce qu'ils seraient si le règlement s'appliquait à l'ensemble de la municipalité.

#### CAPACITÉ EXCÉDENTAIRE NON AFFECTÉE

5. Pour l'application de la disposition 5 du paragraphe 5 (1) de la Loi, la capacité excédentaire est une capacité excédentaire non affectée, sauf si, soit au moment de la création de la capacité excédentaire, soit avant ce moment-là, le conseil de la municipalité a manifesté clairement l'intention de payer cette capacité par des redevances d'aménagement ou d'autres redevances semblables.

#### DÉDUCTIONS DES SUBVENTIONS D'IMMOBILISATIONS OU AUTRES CONTRIBUTIONS

6. (1) En cas de versement d'une subvention d'immobilisations ou d'une autre contribution à l'égard de dépenses en immobilisations, si, lors de ce versement, la personne qui l'effectue manifeste clairement l'intention qu'un aménagement existant ou nouveau tire avantage de tout ou partie de la subvention ou de l'autre contribution, son montant est déduit des dépenses en immobilisations calculées conformément à la disposition 7 du paragraphe 5 (1) de la Loi, mais seulement dans la mesure où, selon l'intention manifestée, un nouvel aménagement en tirerait avantage.

(2) Si le paragraphe (1) ne s'applique pas, le montant des subventions ou autres contributions versées à l'égard des dépenses en immobilisations est déduit des dépenses en immobilisations calculées conformément à la disposition 7 du paragraphe 5 (1) de la Loi proportionnellement à la réduction de l'augmentation du besoin de services prévue à la disposition 6 de ce paragraphe.

#### INDICE PRESCRIT

7. La publication trimestrielle de Statistique Canada intitulée *Statistiques des prix de la construction*, numéro 62-007 au catalogue, est l'indice prescrit pour l'application de la disposition 10 du paragraphe 5 (1) de la Loi.

#### ÉTUDES PRÉLIMINAIRES

8. L'étude préliminaire sur les redevances d'aménagement prévue à l'article 10 de la Loi énonce ce qui suit pour chaque service visé par la redevance d'aménagement :

- Les dépenses en immobilisations estimatives totales liées au service.
- La répartition des dépenses visées à la disposition 1 entre celles dont tirerait avantage un aménagement existant et celles dont tirerait avantage un nouvel aménagement.

3. Les dépenses en immobilisations estimatives totales liées au service qui seront engagées pendant la durée du règlement de redevances d'aménagement proposé.
4. La répartition des dépenses visées à la disposition 3 entre celles dont tirerait avantage un aménagement existant et celles dont tirerait avantage un nouvel aménagement.
5. La valeur estimative et réelle des crédits qui se rapportent au service et qui font l'objet d'un report prospectif.

#### PRÉAVIS DES RÉUNIONS PUBLIQUES

9. (1) Le préavis des réunions publiques que le conseil est tenu de donner aux termes de l'alinéa 12 (1) b) de la Loi est donné, selon le cas :

1. Par signification à personne, par télécopieur ou par courrier, à chaque propriétaire d'un bien-fonds situé dans le secteur où s'appliquerait le règlement proposé.
2. Par sa publication dans un journal qui a, de l'avis du secrétaire, une diffusion suffisante dans le secteur où s'appliquerait le règlement proposé pour donner au public un préavis raisonnable des réunions.

(2) Pour l'application de la disposition 1 du paragraphe (1), les propriétaires sont ceux qui figurent sur le dernier rôle d'évaluation révisé, sous réserve de tout avis écrit de transfert de propriété d'un bien-fonds qu'a reçu le secrétaire de la municipalité. L'avis donné aux propriétaires par courrier est envoyé à l'adresse qui figure sur le dernier rôle d'évaluation révisé ou, le cas échéant, à celle qui figure sur l'avis de transfert de propriété d'un bien-fonds qu'a reçu le secrétaire.

#### AVIS D'ADOPTION DES RÈGLEMENTS DE REDEVANCES D'AMÉNAGEMENT

10. (1) Le présent article s'applique à l'avis d'adoption d'un règlement de redevances d'aménagement que le secrétaire de la municipalité est tenu de donner aux termes de l'article 13 de la Loi.

(2) L'avis est donné, selon le cas :

1. Par signification à personne, par télécopieur ou par courrier, à chaque propriétaire d'un bien-fonds situé dans le secteur où s'applique le règlement.
2. Par sa publication dans un journal qui a, de l'avis du secrétaire, une diffusion suffisante dans le secteur où s'applique le règlement pour donner au public un avis raisonnable de l'adoption du règlement.

(3) Le paragraphe 9 (2) s'applique, avec les adaptations nécessaires, pour l'application de la disposition 1 du paragraphe (2).

(4) Outre l'avis prévu au paragraphe (2), avis est également donné aux personnes et organismes suivants par signification à personne, par télécopieur ou par courrier :

1. Chaque personne et chaque organisme qui a demandé par écrit au secrétaire de la municipalité de recevoir un avis de l'adoption du règlement et lui a fourni une adresse de retour.
2. Dans le cas d'un règlement adopté par le conseil d'une municipalité de secteur, le secrétaire de la municipalité de palier supérieur où se trouve la municipalité de secteur.
3. Dans le cas d'un règlement adopté par le conseil d'une municipalité de palier supérieur, les secrétaires des municipalités de secteur de la municipalité de palier supérieur.

4. Le secrétaire de chaque conseil scolaire qui a compétence dans le secteur auquel s'applique le règlement.

(5) L'avis énonce ce qui suit :

1. Une déclaration portant que le conseil de la municipalité a adopté un règlement de redevances d'aménagement.
2. Une déclaration portant la date d'adoption du règlement et son numéro.
3. Une déclaration portant que toute personne ou tout organisme peut interjeter appel du règlement devant la Commission des affaires municipales de l'Ontario en vertu de l'article 14 de la Loi en déposant auprès du secrétaire de la municipalité un avis d'appel énonçant la nature de son opposition au règlement et les motifs à l'appui.
4. Une déclaration précisant la date d'expiration du délai d'appel du règlement.
5. L'explication des redevances d'aménagement imposées par le règlement.
6. La description des biens-fonds auxquels s'applique le règlement.
7. Une carte-index indiquant les biens-fonds auxquels s'applique le règlement ou l'explication de son omission.
8. La mention du moment et du lieu où l'on peut consulter une copie du règlement.

#### TAUX D'INTÉRÊT MINIMAL

11. (1) Le taux d'intérêt minimal que la municipalité verse aux termes des paragraphes 18 (3) et 25 (2) et de l'article 36 de la Loi relativement à un règlement de redevances d'aménagement est le taux de la Banque du Canada le jour de l'entrée en vigueur du règlement.

(2) Malgré le paragraphe (1), si le règlement le prévoit, le taux d'intérêt minimal est le taux de la Banque du Canada le jour de l'entrée en vigueur du règlement, mis à jour le premier jour ouvrable de janvier, d'avril, de juillet et d'octobre.

#### ÉTATS FINANCIERS DU TRÉSORIER

12. (1) Les renseignements énumérés au paragraphe (2) sont prescrits comme renseignements qui doivent être compris dans les états financiers du trésorier de la municipalité prévus à l'article 43 de la Loi. Ces renseignements s'ajoutent à l'état des soldes d'ouverture et de clôture pour l'année précédente et à l'état des opérations liées à cette année qu'exige le paragraphe 43 (2) de la Loi.

(2) Les renseignements visés au paragraphe (1) sont les suivants, pour chaque fonds de réserve :

1. Une description du service pour lequel le fonds a été créé. Si le fonds a été créé pour une catégorie de services, les services de cette catégorie.
2. Pour les crédits qui se rapportent au service ou à la catégorie de services pour lequel le fonds a été créé :
  - i. le solde au début de l'année précédente, la somme accordée et celle utilisée pendant cette année et le solde à la fin de celle-ci,
  - ii. le solde au début de l'année précédente et le solde à la fin de cette année, ventilés en fonction de chaque bénéficiaire de crédits.

3. Le montant des emprunts que la municipalité a effectués sur le fonds l'année précédente et l'objet de ces emprunts.
4. Le montant des intérêts courus l'année précédente sur les emprunts que la municipalité a effectués sur le fonds.
5. Le montant et la provenance des sommes éventuelles dont la municipalité s'est servie pour rembourser, l'année précédente, ses emprunts sur le fonds ou les intérêts courus sur ceux-ci.
6. La liste des crédits reconnus aux termes de l'article 17 et, pour chacun de ces crédits, sa valeur, le service auquel il se rapporte et la provenance des fonds qui servent à le financer.

(3) Les renseignements qui suivent sont également prescrits comme renseignements qui doivent être compris dans les états financiers du trésorier de la municipalité prévus à l'article 43 de la Loi :

1. Pour chaque aménagement qui est financé, en totalité ou en partie, par les redevances d'aménagement :
  - i. les sommes provenant de chaque fonds de réserve créé aux termes de l'article 33 de la Loi qui sont dépensées pour l'aménagement,
  - ii. le montant et la provenance des autres sommes qui sont dépensées pour l'aménagement.

13. (1) Au plus tard à la date que le conseil de la municipalité fixe chaque année où il existe des fonds de réserve visés au paragraphe 63 (3) de la Loi, le trésorier de la municipalité donne au conseil un état financier sur ces fonds.

(2) L'état comprend, pour l'année précédente, l'état des soldes d'ouverture et de clôture des fonds de réserve, l'état des opérations liées aux fonds et, avec les adaptations nécessaires, les renseignements exigés par les paragraphes 12 (2) et (3).

#### BROCHURES SUR LES RÈGLEMENTS

14. (1) La municipalité prépare une brochure sur chaque règlement de redevances d'aménagement en vigueur et y énonce ce qui suit :

- a) la description de l'objet général des redevances d'aménagement qui sont imposées aux termes du règlement;
- b) les règles régissant l'exigibilité d'une redevance d'aménagement dans des cas particuliers et le calcul de son montant;
- c) la liste des services auxquels se rapportent les redevances d'aménagement;
- d) la description de l'objet général de l'état fourni par le trésorier de la municipalité et l'endroit où le public peut l'examiner.

(2) La municipalité prépare la brochure :

- a) dans les 60 jours de l'entrée en vigueur du règlement, s'il n'en est pas interjeté appel devant la Commission des affaires municipales de l'Ontario;
- b) dans les 60 jours de la décision de la Commission des affaires municipales de l'Ontario, s'il est interjeté appel du règlement devant celle-ci, ou dans les 60 jours de la modification du règlement par la municipalité, si la Commission en ordonne la modification.

(3) La municipalité révisé la brochure au besoin en cas de modification du règlement de redevances d'aménagement.

(4) La municipalité qui est tenue de réviser la brochure le fait :

- a) dans les 60 jours de l'entrée en vigueur de la modification, s'il n'en est pas interjeté appel devant la Commission des affaires municipales de l'Ontario;
- b) dans les 60 jours de la décision de la Commission des affaires municipales de l'Ontario, s'il est interjeté appel de la modification devant celle-ci, ou dans les 60 jours de la modification de la modification par la municipalité, si la Commission en ordonne la modification.

(5) La municipalité remet une copie de la brochure la plus récente gratuitement à quiconque en fait la demande.

(6) La municipalité peut exiger des frais pour les copies supplémentaires de la brochure qu'elle remet à une personne, mais ces frais ne doivent pas être supérieurs au coût de ces copies.

(7) Quiconque peut reproduire et distribuer la brochure sous n'importe quelle forme.

#### AVIS TOUCHANT LES CRÉDITS VISÉS PAR L'ARTICLE 13 DE L'ANCIENNE LOI

15. (1) Le secrétaire de la municipalité donne l'avis exigé par la disposition 1 du paragraphe 64 (1) de la Loi :

- a) par signification à personne, par télécopieur ou par courrier, à chaque personne qui bénéficie d'un crédit de la municipalité aux termes de l'article 13 de la *Loi sur les redevances d'exploitation*, telle qu'il existait avant le 1<sup>er</sup> mars 1998;
- b) par sa publication dans un journal qui a, de l'avis du secrétaire, une diffusion suffisante dans le secteur où s'appliquait le règlement pour donner au public un avis raisonnable du droit de présenter une demande de remboursement de crédits inadmissibles.

(2) L'avis exigé par la disposition 1 du paragraphe 64 (1) de la Loi contient ce qui suit :

1. Une déclaration portant la date d'expiration ou d'abrogation du règlement et son numéro.
2. Une déclaration précisant la date d'expiration du délai de présentation, aux termes de l'article 64 de la Loi, d'une demande de remboursement de crédits inadmissibles.
3. Une déclaration décrivant les crédits qui peuvent être remboursés aux termes de l'article 64 de la Loi, notamment un résumé de la définition de «crédit inadmissible» au paragraphe 64 (2) de la Loi et la liste des services visés aux dispositions 1 à 7 du paragraphe 2 (4) de la Loi.
4. Une déclaration portant qu'il ne peut être interjeté appel devant la Commission des affaires municipales de l'Ontario à l'égard d'une demande de remboursement de crédits inadmissibles présentée aux termes de l'article 64 de la Loi.

#### RÈGLES TRANSITOIRES SE RAPPORTANT AUX CRÉDITS PRÉVUS À L'ARTICLE 14 DE L'ANCIENNE LOI

16. Les définitions qui suivent s'appliquent aux articles 17 à 20.

«ancienne loi» La *Loi sur les redevances d'exploitation*, telle qu'elle existait immédiatement avant le 1<sup>er</sup> mars 1998. («old Act»)

«nouvelle loi» La *Loi de 1997 sur les redevances d'aménagement*. («new Act»)

17. Les règles suivantes s'appliquent aux crédits qui sont accordés aux termes de l'article 14 de l'ancienne loi ou qui doivent l'être :

1. Le propriétaire ou l'ancien propriétaire d'un bien-fonds a le droit de faire reconnaître un crédit à valoir sur une redevance d'aménagement imposée aux termes d'un règlement de redevances d'aménagement adopté aux termes de la nouvelle loi par le conseil de la municipalité qui a accordé le crédit.
  2. Les dispositions d'un accord visé à la disposition 3 l'emportent sur les dispositions incompatibles d'un règlement de redevances d'aménagement adopté aux termes de la nouvelle loi.
  3. La disposition 2 s'applique aux accords conclus entre la municipalité et le propriétaire ou l'ancien propriétaire d'un bien-fonds si l'une ou l'autre des conditions suivantes est remplie avant l'entrée en vigueur d'un règlement prévoyant l'imposition de redevances d'exploitation adopté aux termes de l'ancienne loi :
    - i. le propriétaire ou l'ancien propriétaire du bien-fonds a payé la totalité ou une partie de la redevance relative à des travaux d'aménagement visés par l'accord relativement au bien-fonds et ce dernier est situé dans le secteur auquel s'applique un règlement de redevances d'aménagement adopté aux termes de la nouvelle loi,
    - ii. le propriétaire ou l'ancien propriétaire du bien-fonds a fourni des services au lieu d'effectuer le paiement visé à la sous-disposition i.
  4. La valeur du crédit qui a été reconnu aux termes du présent article à l'égard d'un service visé aux dispositions 1 à 7 du paragraphe 2 (4) de la nouvelle loi ne peut être déduite de redevances d'aménagement futures.
  5. Le délai de présentation d'une demande de reconnaissance d'un crédit aux termes de la disposition 1 prend fin le 1<sup>er</sup> mars 1999.
  6. La demande de reconnaissance d'un crédit indique le montant du crédit demandé et les services auxquels l'auteur de la demande prétend que le crédit doit être attribué.
  7. Au plus tard le 1<sup>er</sup> septembre 1999, la municipalité donne à l'auteur de chaque demande un avis écrit portant si elle accepte ou refuse de reconnaître le crédit conformément à la demande.
  8. Si la municipalité accepte de reconnaître un crédit conformément à la demande ou qu'elle ne donne pas un avis dans le délai imparti à la disposition 7 à l'auteur de la demande, ce dernier a le droit de faire reconnaître le crédit à l'égard des services énoncés dans la demande selon le montant qui y est précisé.
  9. La municipalité peut accepter de reconnaître certains crédits conformément à la demande et refuser d'en reconnaître d'autres. Le cas échéant, la disposition 8 s'applique seulement à l'égard des crédits que la municipalité accepte de reconnaître.
  10. Si la municipalité refuse de reconnaître un crédit conformément à la demande, l'auteur de celle-ci peut interjeter appel de cette décision devant la Commission des affaires municipales de l'Ontario en déposant un avis d'appel auprès du secrétaire de la municipalité dans les 30 jours qui suivent celui où il a reçu l'avis de refus de la municipalité.
  11. Si l'avis d'appel visé à la disposition 10 est déposé auprès du secrétaire de la municipalité, ce dernier fait ce qui suit :
    - i. il constitue un dossier qui comprend une copie de la demande et de l'avis de refus de la municipalité,
    - ii. il fait parvenir une copie de l'avis d'appel et du dossier au secrétaire de la Commission des affaires municipales de l'Ontario dans les 30 jours de la réception de l'avis,
    - iii. il fournit les autres renseignements et documents que la Commission exige dans le cadre de l'appel.
  12. La Commission des affaires municipales de l'Ontario tient une audience pour traiter de l'avis d'appel.
  13. Les parties à l'appel sont l'appelant et la municipalité.
  14. La Commission des affaires municipales de l'Ontario avise les parties de la tenue de l'audience.
  15. Après l'audience, la Commission des affaires municipales de l'Ontario décide si l'appelant a le droit de faire reconnaître le crédit et, le cas échéant, le montant du crédit qui doit être reconnu et les services auxquels il se rapporte.
  16. Malgré la disposition 12, la Commission des affaires municipales de l'Ontario peut, si elle est d'avis que la plainte énoncée dans l'avis d'appel est insuffisante, rejeter l'appel sans tenir d'audience complète, après avoir avisé l'appelant et lui avoir donné l'occasion de présenter des observations quant au bien-fondé de l'appel.
  17. Avant le commencement de l'audience tenue devant la Commission des affaires municipales de l'Ontario, la municipalité et l'auteur de la demande peuvent s'entendre sur le fait que ce dernier a le droit de faire reconnaître un crédit, sur le montant du crédit qui doit être reconnu et sur le service auquel il se rapporte.
  18. Si la municipalité et l'auteur de la demande concluent l'entente visée à la disposition 17, ce dernier retire l'appel interjeté devant la Commission des affaires municipales de l'Ontario et il est réputé y avoir été mis fin.
- RÈGLES TRANSITOIRES SE RAPPORTANT AUX DETTES CONTRACTÉES  
AUX TERMES DE L'ANCIENNE LOI**
18. (1) Le présent article s'applique à une dette autre que des crédits, contractée à l'égard des services visés aux dispositions 1 à 7 du paragraphe 2 (4) de la nouvelle loi aux termes d'un règlement prévoyant l'imposition de redevances d'exploitation prévu par l'ancienne loi et qui expire ou est abrogé pendant la période de transition ou qui expire, aux termes de l'article 63 de la nouvelle loi, à la fin de la période de transition.
  - (2) Aux fins de l'élaboration d'un règlement de redevances d'aménagement, la dette, déduction faite du solde des fonds de réserve éventuels détenus à l'égard du même service, peut être incluse à titre de dépenses en immobilisations si les conditions suivantes sont remplies :
    1. La dette se rapporte à un service visé par un règlement prévoyant l'imposition de redevances d'exploitation au plus tard le 25 novembre 1996.
    2. Les travaux pour lesquels la dette a été contractée ont fait l'objet d'un appel d'offres au plus tard le 25 novembre 1996.
    3. La dette soit a donné lieu à l'émission de débentures, soit a fait l'objet d'un emprunt de fonds interne documenté, au plus tard le 25 novembre 1996.
- RÈGLES TRANSITOIRES SE RAPPORTANT AUX RÈGLEMENTS PRÉVOYANT  
L'IMPOSITION DE REDEVANCES D'EXPLOITATION**
19. (1) Le ministre peut, après le 1<sup>er</sup> mars 1998 et jusqu'à la fin de la période de transition, approuver les règlements prévoyant l'imposition de redevances d'exploitation adoptés en vertu de l'article 3 de l'ancienne loi avant cette date.
  - (2) L'article 62 de la nouvelle loi s'applique aux règlements visés au paragraphe (1).

## RÈGLES TRANSITOIRES SE RAPPORTANT AUX ANCIENS ACCORDS INITIAUX

20. (1) L'ancienne loi continue de s'appliquer aux accords initiaux prévus par sa partie II qui ont été conclus avant le 1<sup>er</sup> mars 1998, même s'ils n'étaient pas encore en vigueur ce jour-là.

(2) Les accords visés au paragraphe (1) qui sont en vigueur continuent de l'être jusqu'à ce qu'ils cessent de l'être, notamment par expiration.

(3) Les règles suivantes s'appliquent aux déductions prévues au paragraphe 28 (9) de l'ancienne loi, telle qu'elle s'applique aux termes du paragraphe (1) :

1. Si un règlement prévoyant l'imposition de redevances d'exploitation prévu par l'ancienne loi s'applique, la déduction prévue

au paragraphe 28 (9) de celle-ci est imputée à la somme payable par ailleurs aux termes de ce règlement.

2. Les sommes qui ne sont pas déduites aux termes de la disposition 1 le sont de toute redevance d'aménagement applicable prévue par la nouvelle loi. Ces sommes ne sont déduites que d'une redevance d'aménagement qui se rapporte au même aménagement que celui pour lequel a été effectué le paiement déduit.

3. La déduction n'est pas un crédit et les dispositions de la nouvelle loi portant sur les crédits ne s'appliquent pas.

12/98

**ONTARIO REGULATION 105/98**  
made under the  
**SURVEYORS ACT**

Made: December 19, 1997

Approved: March 4, 1998

Filed: March 6, 1998

Amending Reg. 1026 of R.R.O. 1990  
(General)

Note: Regulation 1026 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 13 (1) of Regulation 1026 of the Revised Regulations of Ontario, 1990 is amended by inserting "and" at the end of clause (a), by striking out "and" at the end of clause (b) and by revoking clause (c).

2. Paragraphs 1 and 2 of section 18 of the Regulation are revoked and the following substituted:

1. Retired members.

2. Associates.

3. (1) Subsection 19 (1) of the Regulation is amended by striking out "associate" in the first line and substituting "member".

(2) Clause 19 (1) (e) of the Regulation is amended by striking out "associate" in the first line and substituting "member".

(3) Subsection 19 (2) of the Regulation is amended by striking out "associates" in the first line and substituting "members".

(4) Subsection 19 (3) of the Regulation is amended by striking out "associates" in the first line and substituting "members".

4. Section 20 of the Regulation is revoked and the following substituted:

20. (1) An associate is a person who applies to be an associate, pays the annual fee prescribed by the by-laws for associates and,

(a) is enrolled in a post-secondary school course in land surveying;

(b) is a party to Articles of Agreement with a member of the Association; or

(c) is employed by a member of the Association engaged in the practice of professional land surveying.

(2) Associates are entitled to receive general information issued by the Association and to attend meetings of the Association, but are not entitled to vote at meetings.

5. (1) Subsection 23 (3) of the Regulation is revoked and the following substituted:

(3) An applicant for a term of articles must provide proof of the successful completion of,

(a) a course at the baccalaureate level in professional land surveying approved by the Academic and Experience Requirements Committee; or

(b) another course of study equivalent in content and level of difficulty to a course approved under clause (a).

(2) Subsection 23 (10) of the Regulation is amended by striking out "forty-five" in the third line and substituting "45 working".

COUNCIL OF THE ASSOCIATION OF ONTARIO LAND SURVEYORS:

PETER G. STRINGER  
President

R. E. L. SEAL  
Lay Counsellor

Dated on December 19, 1997.

12/98



**ONTARIO REGULATION 106/98**  
made under the  
**CONSERVATION AUTHORITIES ACT**

Made: March 4, 1998  
Filed: March 6, 1998

Amending O. Reg. 139/96  
(Municipal Levies)

Note: Ontario Regulation 139/96 has been amended by Ontario Regulation 231/97.

1. The definition of "weighted majority" in subsection 1 (1) of Ontario Regulation 139/96 is amended by striking out "by the percentage of discounted equalized assessment" in the second and third lines and substituting "by the percentage that applied under this definition in 1997".

12/98

**ONTARIO REGULATION 107/98**  
made under the  
**LOCAL ROADS BOARDS ACT**

Made: March 4, 1998  
Filed: March 6, 1998

Amending Reg. 734 of R.R.O. 1990  
(Establishment of Local Roads Areas—  
Northern and Eastern Regions)

Note: Since January 1, 1997, Regulation 734 has been amended by Ontario Regulation 540/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Schedule 3 of Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

**Schedule 3**

**SHAKESPEARE LOCAL ROADS AREA**

All of the Township of Shakespeare in the Territorial District of Sudbury shown outlined on Ministry of Transportation Plan N-705-5, filed with the Record Services Unit of the Ministry of Transportation at North Bay on February 4, 1998.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on March 4, 1998.

12/98

**ONTARIO REGULATION 108/98**  
made under the  
**LOCAL ROADS BOARDS ACT**

Made: March 4, 1998  
Filed: March 6, 1998

Amending Reg. 734 of R.R.O. 1990  
(Establishment of Local Roads Areas—  
Northern and Eastern Regions)

Note: Since January 1, 1997, Regulation 734 has been amended by Ontario Regulations 540/97 and 107/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Schedule 60 of Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

**Schedule 60**

**SAVARD LOCAL ROADS AREA**

All of the townships of Savard and Sharpe and that portion of the Township of Marquis in the Territorial District of Timiskaming shown outlined on Ministry of Transportation Plan N-1388-6, filed with the Record Services Unit of the Ministry of Transportation at North Bay on February 4, 1998.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on March 4, 1998.

12/98

**ONTARIO REGULATION 109/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: March 4, 1998  
Filed: March 6, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97, 26/98, 27/98 and 28/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Paragraph 2 of Part 3 of Schedule 121 of Regulation 619 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

Regional Municipality of Sudbury—  
Towns of Rayside-Balfour and Onaping Falls

2. That part of the King's Highway known as No. 144 in The Regional Municipality of Sudbury lying between a point situate 260 metres measured northerly from its intersection with the centre line of the roadway known as Omer Street in the hamlet of Chelmsford in the Town of Rayside-Balfour and a point situate 950 metres measured southerly from its intersection with the southerly limit of the roadway known as Houle Avenue in the hamlet of Dowling in the Town of Onaping Falls.



**(2) Paragraph 1 of Part 5 of the Regulation is revoked and the following substituted:**

Regional Municipality of Sudbury—  
Town of Onaping Falls

1. That part of the King's Highway known as No. 144 in the hamlet of Dowling in the Town of Onaping Falls in The Regional Municipality of Sudbury lying between a point situate 950 metres measured southerly from its intersection with the southerly limit of the roadway known as Houle Avenue and a point situate 150 metres measured northerly from its intersection with the northerly limit of the roadway known as Lionel Avenue.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on March 4, 1998.

12/98

---

#### CORRECTION

Ontario Regulation 504/97 under the *Ontario Energy Board Act* published in the January 3, 1998 issue of *The Ontario Gazette*.

The date on which the regulation was made should have read June 27, 1996.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998—03—28

## ONTARIO REGULATION 110/98 made under the PROVINCIAL PARKS ACT

Made: March 4, 1998  
Filed: March 9, 1998

Amending Reg. 951 of R.R.O. 1990  
(Designation of Parks)

Note: Since January 1, 1997, Regulation 951 has been amended by Ontario Regulations 52/97 and 257/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by adding the following descriptions:

### OTOSKWIN-ATTAWAPISKAT RIVER PROVINCIAL PARK

In the Territorial District of Kenora, Patricia Portion, containing 82,529 hectares, more or less, designated as Part 1, on a plan known as Otoskwin-Attawapiskat River Provincial Park, comprising sheets 1 to 5 and filed, on October 31, 1996, in the Office of the Surveyor General at the Ministry of Natural Resources in Peterborough, Ontario.

### POLAR BEAR PROVINCIAL PARK

In the Territorial District of Kenora, Patricia Portion, containing 23,552 square kilometres, more or less, being composed of that part of the said territorial district designated as PART I on a plan known as Polar Bear Provincial Park, filed in the Office of the Surveyor General on January 31, 1997, at the Ministry of Natural Resources in Peterborough, Ontario.

### WINISK RIVER PROVINCIAL PARK

In the Territorial District of Kenora, Patricia Portion, containing 1,411 square kilometres, more or less, being composed of that part of the said territorial district designated as PART I on a plan known as Winisk River Provincial Park, filed in the Office of the Surveyor General on January 31, 1997, at the Ministry of Natural Resources in Peterborough, Ontario.

2. The Table to the Regulation is amended by striking out,

(a) "Schedule 236, Appendix B" in Column 2 opposite "Otoskwin-Attawapiskat Provincial Park" in Column 1;

(b) "Schedule 88, Appendix B" in Column 2 opposite "Polar Bear Provincial Park" in Column 1; and

(c) "Schedule 75, Appendix B" in Column 2 opposite "Winisk River Provincial Park" in Column 1,

and substituting in each case "Section 2".

## ONTARIO REGULATION 111/98 made under the HEALTH INSURANCE ACT

Made: March 4, 1998  
Filed: March 9, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98 and 87/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 9 (4) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by striking out "Subject to subsection 11 (1)" in the first line and substituting "Subject to section 10 and to subsection 11 (1)".

2. Schedule 4 to the Regulation is revoked and the following substituted:

### Schedule 4

### HOSPITALS FOR PSYCHIATRIC ILLNESSES AND FOR ALCOHOLISM AND DRUG ADDICTION

#### PART I

#### Public Hospitals for Psychiatric Illnesses:

ITEM	LOCATION	NAME OF HOSPITAL
1.	Toronto	Addiction and Mental Health Services Corporation - Clarke Institute Site
2.	Toronto	Addiction and Mental Health Services Corporation - Queen Street Mental Health Centre Site

#### PART II

#### Public Hospitals for Alcoholism and Drug Addiction:

ITEM	LOCATION	NAME OF HOSPITAL
1.	Toronto	Addiction and Mental Health Services Corporation - Donwood Site
2.	Toronto	Addiction and Mental Health Services Corporation - Addiction Research Foundation Site

**ONTARIO REGULATION 112/98****made under the  
MENTAL HEALTH ACT**

Made: March 4, 1998  
Filed: March 9, 1998

Amending Reg. 741 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 741 has been amended by Ontario Regulations 476/97 and 97/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Item 65 of Schedule 1 to Regulation 741 of the Revised Regulations of Ontario, 1990 is revoked.

2. Item 9 of Schedule 5 to the Regulation is revoked.

13/98

**ONTARIO REGULATION 113/98****made under the  
MENTAL HOSPITALS ACT**

Made: March 4, 1998  
Filed: March 9, 1998

Amending Reg. 744 of R.R.O. 1990  
(General)

Note: Regulation 744 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Item 10 in section 1 of Regulation 744 of the Revised Regulations of Ontario, 1990 is revoked.

13/98

**ONTARIO REGULATION 114/98****made under the  
FAMILY BENEFITS ACT**

Made: March 11, 1998  
Filed: March 12, 1998

Amending Reg. 366 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 366 has been amended by Ontario Regulation 485/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 12 (2) of Regulation 366 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Subsection 12 (5) of the Regulation is amended by striking out "(17) or (21)" in the fourth line and substituting "(17), (21) or (22)".

(3) Paragraph 1 of subsection 12 (5) of the Regulation is revoked and the following substituted:

1. Where the applicant or recipient receives board and lodging from the same source, an amount for basic needs that is the lesser of the

**RÈGLEMENT DE L'ONTARIO 112/98****pris en application de la  
LOI SUR LA SANTÉ MENTALE**

pris le 4 mars 1998  
déposé le 9 mars 1998

modifiant le Règl. 741 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 741 a été modifié par les Règlements de l'Ontario 476/97 et 97/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le point 65 de l'annexe 1 du Règlement 741 des Règlements refondus de l'Ontario de 1990 est abrogé.

2. Le point 9 de l'annexe 5 du Règlement est abrogé.

amount paid for the board and lodging or the maximum amount determined under Schedule A.

(4) Paragraph 1.1 of subsection 12 (5) of the Regulation is revoked.

(5) Paragraph 2 of subsection 12 (5) of the Regulation is amended by striking out "paragraphs 1 and 1.1" in the first and second lines and substituting "paragraph 1".

(6) Paragraph 4 of subsection 12 (5) of the Regulation is revoked and the following substituted:

4. Where the applicant or recipient does not receive board and lodging from the same source, an amount for basic needs that is the sum of,

i. the amount for basic allowance determined in accordance with Schedule C, and

ii. the amount for shelter determined in accordance with paragraph 7 or the amount for heat determined in accordance with paragraph 9, as the case may be.

(7) Paragraph 4.1 of subsection 12 (5) of the Regulation is amended by striking out "1, 1.1 and 2" in the second line and substituting "1 and 2".

(8) Paragraph 7 of subsection 12 (5) of the Regulation is amended by striking out "where subparagraph ii of paragraph 4 does not apply" in the first and second lines.

(9) Paragraph 9 of subsection 12 (5) of the Regulation is amended by striking out "whose basic allowance is determined under Schedule C or F, as the case may be," in the second and third lines and substituting "to whom paragraph 4 or subsection 31 (8) applies".

(10) The definition of "aggregate" in subparagraph i of paragraph 12 of subsection 12 (5) of the Regulation is amended by striking out "6, 10 and 11" in the second line and substituting "6 and 10".

(11) Section 12 of the Regulation is amended by adding the following subsection:

(22) Where an applicant or a recipient, other than a person to whom subsection (20) applies, resides in accommodation owned or controlled

in whole or in part by one or more of his or her parents or by a person who is in the role of a parent with respect to the applicant or recipient, the monthly budgetary requirements shall be an amount equal to the sum of the following applicable amounts:

1. The lesser of,

- i. the actual amount paid by the applicant or recipient to the parent or person in the role of parent, and
- ii. the appropriate amount determined in accordance with Schedule C.

2. If the applicant or recipient resides north of the fiftieth parallel and is without year round road access, an amount determined in accordance with Schedule I.

3. If a legally qualified medical practitioner certifies that a beneficiary is pregnant or where a beneficiary has given birth to a child or has care, custody and control of a newborn child, an amount determined under paragraph 5 of subsection 12 (5).

4. If a legally qualified medical practitioner certifies that a beneficiary requires a special diet and signs a statement setting out in detail the special diet required, an amount determined under paragraph 6 of subsection 12 (5).

5. \$50.

2. (1) Paragraph 14 of subsection 13 (2) of the Regulation is amended by,

(a) striking out "and paragraph 11 does not apply" in the second and third lines; and

(b) revoking subparagraph ii and substituting the following:

- ii. \$100.

(2) Paragraph 15 of subsection 13 (2) of the Regulation is amended by,

(a) striking out "and paragraph 11 does not apply" in the second and third lines; and

(b) revoking subparagraph ii and substituting the following:

- ii. \$100.

(3) Paragraph 18 of subsection 13 (2) of the Regulation is amended by,

(a) striking out "or" at the end of subparagraph i;

(b) adding "or" at the end of subparagraph ii; and

(c) adding the following subparagraph:

- iii. a person whose budgetary requirements are determined under subsection 12 (22) or under subsection 13 (8) of Regulation 537 of the Revised Regulations of Ontario, 1990 made under the *General Welfare Assistance Act*.

3. (1) Subsection 15 (5) of the Regulation is revoked.

(2) Subsection 15 (6) of the Regulation is amended by striking out "of a person's allowance" in the first line and substituting "of the allowance of a person referred to in subsection (6.1)".

(3) Section 15 of the Regulation is amended by adding the following subsection:

(6.1) Subsection (6) applies only to a person who meets all of the following criteria:

1. The person is not a person to whom section 31 applies.

2. The person received an allowance for the month of March, 1998 under subsection (5), as it read on March 31, 1998 or under subsection (6).

3. In the case of the payment of an allowance for the month of May, 1998 or any subsequent month, the person received an allowance under subsection (6) for the preceding month.

(4) Subsection 15 (7) of the Regulation is amended by striking out "(5) or" in the second line.

4. Subsection 27 (2) of the Regulation is amended,

(a) by striking out "by reason of imprisonment or" in the first and second lines; and

(b) by striking out "Imprisonment or" in the last line.

5. (1) Subsection 31 (4) of the Regulation is revoked.

(2) Subsection 31 (8) of the Regulation is revoked and the following substituted:

(8) The budgetary requirements of an applicant or recipient who does not receive board and lodging from the same source shall be the greater of,

(a) the amount determined in accordance with section 12; and

(b) the amount that is the sum of the amount for basic allowance determined in accordance with Schedule F and the amount for shelter determined under subsection (8.1) or paragraph 9 of subsection 12 (5), as the case may be.

(3) Subsection 31 (8.1) of the Regulation is amended by striking out "(a)" in the first line and substituting "(b)".

(4) Paragraph 1 of subsection 31 (10) of the Regulation is amended by striking out "clause (8) (b) or (c), as the case may be" in the second line and substituting "subsection (8)".

(5) Section 31 of the Regulation is amended by adding the following subsections:

(12) Despite section 11, the amount of allowance for an applicant or recipient to whom this section applies shall be \$2.50 per month for any month in which,

(a) the person is not entitled to an allowance under section 11 because his or her income exceeds his or her budgetary requirements but the person is otherwise entitled to it; and

(b) the person's income determined under section 13 does not exceed his or her budgetary requirements determined under section 12 or 31, as the case may be, by,

(i) more than \$50 per month for a single person,

(ii) more than \$100 per month for a person with one or more dependants.

(13) Despite section 11, the amount of allowance for an applicant or recipient to whom this section applies shall be \$2.50 per month for any month in which,

- (a) the person is not entitled to an allowance under section 11 because his or her income exceeds his or her budgetary requirements but the person is otherwise entitled to it; and
- (b) the person's income determined under section 13 is less than the sum of,
- (i) the person's budgetary requirements determined in accordance with section 12 or 31, as the case may be, and
- (ii) the value of any benefits the person would have received under sections 21, 22 and 24 and subsection 30 (4) if the person were entitled to an allowance under section 11.

6. Subsection 41 (2) of the Regulation is revoked.

7. Schedule A to the Regulation is revoked and the following substituted:

#### Schedule A

##### MAXIMUM AMOUNT FOR BASIC NEEDS (Board and Lodging)\*

Number of Dependent Children	One Adult Person	Two Adult Persons
	Monthly \$	Monthly \$
0	357.00	585.00
1	593.00	676.00
2	684.00	762.00
3	768.00	847.00

The above Table indicates the maximum amounts for one or two adults and the three oldest dependent children in a family. For each dependent child in excess of three, add an amount of \$90 monthly.

\*Refer to paragraph 1 of subsection 12 (5).

8. Schedule C to the Regulation is amended by striking out the last two lines and substituting the following:

\*Refer to paragraph 4 of subsection 12 (5), subsection 12 (22) and paragraph 10 of subsection 13 (2).

9. Schedule F to the Regulation is amended by striking out the sixth and seventh lines from the end of the Schedule and substituting the following:

\*Refer to paragraph 10 of subsection 13 (2) and subsection 31 (8).

10. Schedule G to the Regulation is revoked.

11. Schedule I to the Regulation is amended by striking out the last two lines and substituting the following:

\*Refer to paragraph 4.2 of subsection 12 (5) and to subsections 12 (22) and 31 (10.2).

12. This Regulation comes into force on April 1, 1998.

## ONTARIO REGULATION 115/98 made under the GENERAL WELFARE ASSISTANCE ACT

Made: March 11, 1998

Filed: March 12, 1998

Amending Reg. 537 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 537 has been amended by Ontario Regulation 487/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 12 (2) of Regulation 537 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Subsection 12 (3) of the Regulation is amended by,

- (a) inserting "referred to in subsection (3.1) or (3.2)" after "recipient" in the second line;
- (b) striking out "or 31" in the second line of subclause (b) (i); and
- (c) striking out "sections 21 and 22" in the second line of subclause (b) (ii) and substituting "section 22".

(3) Section 12 of the Regulation is amended by adding the following subsections:

(3.1) Subsection (3) applies to a recipient who meets the following criteria:

1. The person received assistance for the month of March, 1998 under subsection (2), as it read on March 31, 1998 or under subsection (3).
2. In the case of general assistance for the month of May, 1998 or any subsequent month, the person received assistance under subsection (3) for the preceding month.

(3.2) Subject to subsection (3.3), subsection (3) applies to an applicant or recipient if the applicant or recipient, or his or her spouse, has submitted an application for benefits under clause 7 (1) (a), (b), (c) or (e) of the *Family Benefits Act* or under subsection 2 (5) of Regulation 366 of the Revised Regulations of Ontario, 1990 made under that Act and the application has not yet been finally disposed of.

(3.3) An applicant described in subsection (3.2) shall not be entitled to general assistance under subsection (3) if the applicant has previously received assistance under subsection (3) by virtue of subsection (3.2).

2. (1) Subsection 13 (2) of the Regulation is revoked.

(2) Subsection 13 (4) of the Regulation is amended by striking out "(5) and (6)" in the first line and substituting "(5), (6), (8), (9) and (10)".

(3) Paragraph 1 of subsection 13 (4) of the Regulation is revoked and the following substituted:

1. Where the applicant or recipient receives board and lodging from the same source, an amount for basic needs that is the lesser of the amount paid for the board and lodging or the maximum amount determined under Schedule A.

(4) Paragraph 2 of subsection 13 (4) of the Regulation is revoked.

(5) Paragraph 3 of subsection 13 (4) of the Regulation is amended by striking out "paragraphs 1 and 2" in the first line and substituting "paragraph 1".

(6) Paragraph 4 of subsection 13 (4) of the Regulation is revoked and the following substituted:

4. Where the applicant or recipient does not receive board and lodging from the same source, an amount for basic needs that is the sum of,

- i. the amount for basic allowance determined in accordance with Schedule C, and
- ii. the amount for shelter determined in accordance with paragraph 8 or the amount for heat determined in accordance with paragraph 9, as the case may be.

(7) Paragraph 5.1 of subsection 13 (4) of the Regulation is amended by striking out "1, 2 and 3" in the second line and substituting "1 and 3".

(8) Paragraph 8 of subsection 13 (4) of the Regulation is amended by striking out "where subparagraph ii of paragraph 4 does not apply" in the first and second lines.

(9) Paragraph 9 of subsection 13 (4) of the Regulation is amended by striking out "whose basic allowance is determined under Schedule C" in the second and third lines and substituting "to whom paragraph 4 applies".

(10) Section 13 of the Regulation is amended by adding the following subsections:

(8) Where an applicant or a recipient, other than an applicant or recipient to whom subsection (6) applies, resides in accommodation owned or controlled in whole or in part by one or more of his or her parents or by a person who is in the role of a parent with respect to the applicant or recipient, the monthly budgetary requirements shall be an amount equal to the sum of the following applicable amounts:

1. The lesser of,

- i. the actual amount paid by the applicant or recipient to the parent or person in the role of parent, and
- ii. the appropriate amount determined in accordance with Schedule C.

2. If the applicant or recipient resides north of the fiftieth parallel and is without year round road access, an amount determined in accordance with Schedule G.

3. If a physician certifies that an applicant or recipient or a dependent of an applicant or recipient is pregnant or if the applicant or recipient or a dependent of the applicant or recipient has given birth to a child or has care, custody and control of a new born child, an amount determined under paragraph 6 of subsection 13 (4).

4. If a physician certifies that an applicant or recipient or a dependent of an applicant or recipient requires a special diet and signs a statement setting out in detail the special diet required, an amount determined under paragraph 7 of subsection 13 (4).

5. \$50.

(9) Where a person is detained in custody, the budgetary requirements of the person for the month that he or she is first detained and for any subsequent full month shall be reduced for the number of days that the person is detained.

(10) In the month that a person is released from custody,

(a) the budgetary requirements, other than the amount payable for shelter, payable to or on behalf of the person shall be reduced for the number of days that the person was detained; and

(b) the budgetary requirements for shelter of the person may be reduced for the number of days that the person was detained.

3. (1) Paragraph 13 of subsection 15 (2) of the Regulation is amended by,

- (a) adding "Subject to paragraph 29" at the beginning;
- (b) striking out "and paragraph 11 does not apply" in the second line; and
- (c) revoking subparagraph ii and substituting the following:
  - ii. \$100.

(2) Paragraph 14 of subsection 15 (2) of the Regulation is amended by,

- (a) adding "Subject to paragraph 29" at the beginning;
- (b) striking out "and paragraph 11 does not apply" in the second line; and
- (c) revoking subparagraph ii and substituting the following:
  - ii. \$100.

(3) Subsection 15 (2) of the Regulation is amended by adding the following paragraph:

29. Any income received or deemed to be received for lodging with or without meals provided by the applicant or recipient to any child, grandchild or foster child of the applicant or recipient if the child, grandchild or foster child is a person whose budgetary requirements are determined under subsection 13 (8) or under subsection 12 (22) of Regulation 366 of the Revised Regulations of Ontario, 1990.

4. (1) Subsection 16 (7) of the Regulation is amended by striking out "12 (2) or (3)" in the second line and substituting "12 (3)".

(2) Subsection 16 (9) of the Regulation is amended by striking out "12 (2) or (3)" in the second line and substituting "12 (3)".

5. (1) Subsection 30 (2) of the Regulation is amended by striking out "12 (2) or (3)" in the third line and substituting "12 (3)".

(2) Subsection 30 (3) of the Regulation is amended by striking out "12 (2) or (3)" in the third line and substituting "12 (3)".

6. Subsection 31 (2) of the Regulation is revoked.

7. Schedule A to the Regulation is revoked and the following substituted:

#### Schedule A

#### MAXIMUM AMOUNT FOR BASIC NEEDS (Board and Lodging)\*

Number of Dependants Other than a Spouse	One Adult Person		Two Adult Persons	
	Weekly \$	Monthly \$	Weekly \$	Monthly \$
0	82.20	357.00	125.70	546.00
1	136.50	593.00	144.30	627.00

2	157.40	684.00	161.60	702.00
3	176.70	768.00	178.80	777.00

For each additional dependant in a one-parent family in excess of three, add an amount of \$20.70 weekly or \$90 monthly.

For each additional dependant in a two-parent family in excess of three, add an amount of \$17.70 weekly or of \$77 monthly.

\*Refer to paragraph 1 of subsection 13 (4).

8. Schedule C to the Regulation is amended by striking out the last line and substituting the following:

\*Refer to paragraph 4 of subsection 13 (4), subsection 13 (8) and paragraph 9 of subsection 15 (2).

9. Schedule D to the Regulation is revoked.

10. This Regulation comes into force on April 1, 1998.

13/98

**ONTARIO REGULATION 116/98**  
made under the  
**SOCIAL ASSISTANCE REFORM ACT, 1997**

Made: March 11, 1997

Filed: March 12, 1997

**TRANSITIONAL RULES UNDER FAMILY  
BENEFITS ACT AND GENERAL WELFARE  
ASSISTANCE ACT PRIOR TO COMMENCEMENT  
OF ONTARIO WORKS ACT, 1997**

**FAMILY BENEFITS ACT**

1. (1) In this section,

"Director" means the Director under the *Family Benefits Act*;

"entitlement change" means a change with respect to the entitlement of a recipient to benefits under the *Family Benefits Act* or in the amount of benefits that a recipient is entitled to receive under that Act if the change results from an amendment to Regulation 366 of the Revised Regulations of Ontario, 1990 contained in Ontario Regulation 114/98;

"recipient" means a person who receives benefits under the *Family Benefits Act*.

(2) If a determination by the Director is not required for an entitlement change to take effect, the change shall take effect for all recipients on April 1, 1998.

(3) Despite section 12 of Ontario Regulation 114/98, if a determination by the Director is required for an entitlement change to take effect, the following rules apply:

1. The Director shall, before December 31, 1998,

- i. review and update the information recorded with respect to each recipient affected by the change, and

- ii. make the determination required for the entitlement change to take effect.

2. The entitlement change shall take effect with respect to a recipient on the day the Director makes the determination under this subsection with respect to that recipient.

(4) Despite sections 13, 14 and 15 of the *Family Benefits Act*, a recipient has no right to make representations to the Director and is not entitled to a hearing by the Social Assistance Review Board or an appeal to the Divisional Court with respect to,

- (a) any variation in the amount of money that a recipient is entitled to receive as a result of an entitlement change; or
- (b) the date on which an entitlement change takes effect with respect to the recipient.

**GENERAL WELFARE ASSISTANCE ACT**

2. (1) In this section,

"entitlement change" means a change with respect to the entitlement of a recipient to assistance under the *General Welfare Assistance Act* or in the amount of assistance that a recipient is entitled to receive under that Act if the change results from an amendment to Regulation 537 of the Revised Regulations of Ontario, 1990 contained in Ontario Regulation 115/98;

"recipient" means a person who receives assistance under the *General Welfare Assistance Act*;

"welfare administrator" means a welfare administrator as defined in subsection 10 (1) of the *General Welfare Assistance Act* and a welfare administrator of a band as defined in subsection 15 (1) of that Act.

(2) If a determination by a welfare administrator is not required for an entitlement change to take effect, the change shall take effect for all recipients on April 1, 1998.

(3) Despite section 10 of Ontario Regulation 115/98, if a determination by a welfare administrator is required for an entitlement change to take effect, the entitlement change shall take effect with respect to a recipient affected by the change on the day the welfare administrator makes the determination with respect to that recipient.

(4) Despite subsection 10 (3) and section 11 of the *General Welfare Assistance Act*, a recipient has no right to make submissions to a welfare administrator and is not entitled to a hearing under section 11 of that Act with respect to,

- (a) any variation in the amount of money that a recipient is entitled to receive under the *General Welfare Assistance Act* as a result of an entitlement change; or
- (b) the date on which an entitlement change takes effect with respect to the recipient.

**COMMENCEMENT**

3. This Regulation comes into force on April 1, 1998.

13/98



**ONTARIO REGULATION 117/98****made under the  
PLANNING ACT**

Made: March 13, 1998

Filed: March 13, 1998

Amending O. Reg. 154/95  
(Prescribed Counties)

Note: Ontario Regulation 154/95 has not previously been amended.

**1. Paragraphs 4, 7, 10 and 11 of section 1 of Ontario Regulation 154/95 are revoked.****2. Section 2 of the Regulation is revoked and the following substituted:****2.** On or before September 30, 1998, a plan shall be prepared and adopted and submitted to the approval authority for approval as an official plan by the council of the following municipalities:

1. The County of Huron.

2. The County of Wellington.

3. The United Counties of Prescott &amp; Russell.

**3.** On or before December 31, 1998, a plan shall be prepared and adopted and submitted to the approval authority for approval as an official plan by the council of The County of Hastings.AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on March 13, 1998.

13/98

**ONTARIO REGULATION 118/98****made under the  
EDUCATION ACT**

Made: March 4, 1998

Filed: March 13, 1998

**CLASS SIZE****PART I  
ELEMENTARY SCHOOL CLASSES****1. (1)** In this Part,**"class"** means a group of pupils who are scheduled to spend more than 50 per cent of their instructional time together during the cycle that includes October 31, but does not include a class established for exceptional pupils; ("classe")**"cycle"** means the number of days for which a schedule of classes in a school continues before the schedule is repeated; ("horaire")**"part-time"**, in relation to a class, means a class scheduled to meet,

(a) on half-days, or

(b) on average, on three or fewer days per week. ("temps partiel")

**(2)** For the purposes of subsection (1), pupils include pupils enrolled in a full-time or part-time junior kindergarten or kindergarten.**(3)** For the purposes of subsection (1), a class can consist of pupils enrolled in the same grade or in different grades.**(4)** For the purposes of subsection (3), kindergarten and junior kindergarten are to be considered grades.**2. (1)** For the purposes of subsection 170.1 (1) of the Act, the average size of the elementary school classes of a board, in the aggregate, shall be determined in each year as of October 31, as follows:**1.** Determine the number of pupils enrolled in classes in all elementary schools of the board.**RÈGLEMENT DE L'ONTARIO 118/98****pris en application de la  
LOI SUR L'ÉDUCATION**pris le 4 mars 1998  
déposé le 13 mars 1998**EFFECTIF DES CLASSES****PARTIE I  
CLASSES DES ÉCOLES ÉLÉMENTAIRES****1. (1)** Les définitions qui suivent s'appliquent à la présente partie.**«classe»** Groupe d'élèves dont l'emploi du temps prévoit qu'ils passent ensemble plus de 50 pour cent du temps où il leur est dispensé un enseignement pendant l'horaire qui inclut le 31 octobre. Sont toutefois exclues de la présente définition les classes créées pour des élèves en difficulté. («class»)**«horaire»** Le nombre de jours que couvre le calendrier des classes d'une école avant de recommencer. («cycle»)**«temps partiel»** Dans le cas d'une classe, désigne une classe dont l'horaire prévoit qu'elle se réunit :

a) pendant des demi-journées;

b) en moyenne, au plus trois jours par semaine. («part-time»)

**(2)** Pour l'application du paragraphe (1), sont assimilés à des élèves ceux qui sont inscrits à la maternelle ou au jardin d'enfants à temps plein ou à temps partiel.**(3)** Pour l'application du paragraphe (1), la classe peut comprendre des élèves qui sont inscrits à la même année d'études ou à des années d'études différentes.**(4)** Pour l'application du paragraphe (3), le jardin d'enfants et la maternelle doivent être considérés comme des années d'études.**2. (1)** Pour l'application du paragraphe 170.1 (1) de la Loi, l'effectif moyen de l'ensemble des classes des écoles élémentaires d'un conseil est calculé chaque année au 31 octobre de la manière suivante :**1.** Établir le nombre d'élèves inscrits aux classes de toutes les écoles élémentaires du conseil.

2. Determine the number of classes in all elementary schools of the board.
3. Divide the number determined under paragraph 1 by the number determined under paragraph 2.

(2) For the purposes of paragraph 1 of subsection (1), a pupil enrolled in a part-time junior kindergarten or kindergarten class shall be counted as one-half and every other pupil shall be counted as one.

(3) For the purposes of paragraph 2 of subsection (1), a part-time junior kindergarten or kindergarten class shall be counted as one-half and every other class shall be counted as one.

## PART II SECONDARY SCHOOL CLASSES

3. (1) In this Part,

“class” means,

- (a) a group of pupils,

(i) who are scheduled to be together for instructional purposes during a scheduled part of the day school program provided on instructional days, and

(ii) who are each eligible to earn the same number of credits or credit equivalents on successfully completing the course or the part of the grade nine program that he or she is taking during that scheduled part of the day school program provided on instructional days, or

- (b) a co-operative education class,

but does not include a class established for exceptional pupils; (“classe”)

“co-operative education class” means a group of pupils,

- (a) who are enrolled in a co-operative education program,

(b) who are scheduled to spend some instructional time together in school during the school year in connection with the co-operative education program, and

(c) who are each eligible to earn the same number of credits on successfully completing the course that he or she is taking in the co-operative education program; (“classe d’éducation coopérative”)

“course” means a course at the secondary school level that is assigned a common course code in the list of common course codes published by the Ministry; (“cours”)

“cycle” means the number of days for which a schedule of classes in a school continues before the schedule is repeated; (“horaire”)

“instructional day” has the same meaning as in Regulation 304 of the Revised Regulations of Ontario, 1990. (“journée d’enseignement”)

(2) For the purposes of subsection (1), a class can consist of pupils enrolled in the same grade or in different grades and in the same course or in different courses.

(3) For the purposes of subsection (1), a pupil taking a course as an independent study course shall not be considered a class or a part of a class.

4. (1) In the case of non-semestered classes, calculations under this Part shall be based on enrolment data for the cycle that includes October 31 of the school year.

2. Établir le nombre de classes de toutes les écoles élémentaires du conseil.

3. Diviser le nombre établi aux termes de la disposition 1 par celui établi aux termes de la disposition 2.

(2) Pour l’application de la disposition 1 du paragraphe (1), l’élève inscrit à une classe de maternelle ou de jardin d’enfants à temps partiel compte pour un demi-élève et tout autre élève compte pour un élève.

(3) Pour l’application de la disposition 2 du paragraphe (1), une classe de maternelle ou de jardin d’enfants à temps partiel compte pour une demi-classe et toute autre classe compte pour une classe.

## PARTIE II CLASSES DES ÉCOLES SECONDAIRES

3. (1) Les définitions qui suivent s’appliquent à la présente partie.

«classe» S’entend, selon le cas :

- a) d’un groupe d’élèves :

(i) d’une part, dont l’emploi du temps prévoit qu’ils sont ensemble à des fins d’enseignement pendant une partie du calendrier du programme scolaire de jour qui est dispensée pendant les journées d’enseignement,

(ii) d’autre part, qui ont chacun le droit d’obtenir le même nombre de crédits ou d’équivalences en crédits lorsqu’ils terminent avec succès le cours ou la partie du programme de neuvième année qu’ils suivent pendant la partie du calendrier du programme scolaire de jour qui est dispensée pendant les journées d’enseignement,

- b) d’une classe d’éducation coopérative.

Sont toutefois exclues de la présente définition les classes créées pour des élèves en difficulté. («classe»)

«classe d’éducation coopérative» Groupe d’élèves :

- a) qui sont inscrits à un programme d’éducation coopérative;

b) dont l’emploi du temps prévoit qu’ils passent ensemble à l’école une partie du temps où il leur est dispensé un enseignement pendant l’année scolaire dans le cadre du programme d’éducation coopérative;

c) qui ont chacun le droit d’obtenir le même nombre de crédits lorsqu’ils terminent avec succès le cours du programme d’éducation coopérative qu’ils suivent. («co-operative education class»)

«cours» Cours du niveau secondaire qui a reçu un code du système uniforme de codage des cours publié par le ministère. («course»)

«horaire» Le nombre de jours que couvre le calendrier des classes d’une école avant de recommencer. («cycle»)

«journée d’enseignement» S’entend au sens du Règlement 304 des Règlements refondus de l’Ontario de 1990. («instructional day»)

(2) Pour l’application du paragraphe (1), la classe peut comprendre des élèves qui sont inscrits à la même année d’études ou à des années d’études différentes et au même cours ou à des cours différents.

(3) Pour l’application du paragraphe (1), les élèves qui suivent des cours d’études personnelles ne sont pas considérés comme constituant une classe ou une partie de classe.

4. (1) Dans le cas des classes non semestrielles, les calculs prévus à la présente partie se font à partir des données sur les inscriptions pour l’horaire qui inclut le 31 octobre de l’année scolaire.

(2) In the case of semestered classes held in the first semester, calculations under this Part shall be based on enrolment data for the cycle that includes October 31 of the school year.

(3) In the case of semestered classes held in the second semester, calculations under this Part shall be based on registration data available on October 31 of the school year, for the cycle that includes March 31 of the school year.

5. For the purposes of this Part, the credit value or credit equivalent value of a class is the number of credits or credit equivalents that each pupil in the class is eligible to earn on successfully completing the course or the part of the grade nine program that he or she is taking in connection with the class.

6. For the purposes of subsection 170.1 (2) of the Act, the average size of the secondary school classes of a board, in the aggregate, shall be determined in each year, as follows:

1. For each class in each secondary school of the board, multiply the number of pupils enrolled in the class by the credit value or credit equivalent value of the class.
2. Total the results obtained under paragraph 1. The result is the number of pupil credits for the board.
3. Determine the credit value or credit equivalent value of each class in each secondary school of the board.
4. Total the numbers determined under paragraph 3. The result is the number of classroom credits for the board.
5. Divide the number of pupil credits for the board, determined under paragraph 2, by the number of classroom credits for the board, determined under paragraph 4.

### PART III REPORTING

7. (1) In time to meet the deadlines specified in sections 10 and 11, the director of education for each board shall prepare a report on the average size of classes in its elementary schools and in its secondary schools.

(2) The report shall include,

- (a) the average size of the elementary school classes of the board, in the aggregate, as determined under Part I;
- (b) the average size of the secondary school classes of the board, in the aggregate, as determined under Part II; and
- (c) the average size of the classes in each school of the board, determined in accordance with sections 8 and 9.

8. (1) For the purposes of clause 7 (2) (c), the average class size of an elementary school shall be determined as of October 31, as follows:

1. Determine the number of pupils enrolled in classes in the elementary school.
2. Determine the number of classes in the elementary school.
3. Divide the number determined under paragraph 1 by the number determined under paragraph 2.

(2) Section 1 and subsections 2 (2) and (3) apply with necessary modifications for the purposes of this section.

9. (1) For the purposes of clause 7 (2) (c), the average class size of a secondary school shall be determined as follows:

(2) Dans le cas des classes semestrielles qui se tiennent pendant le premier semestre, les calculs prévus à la présente partie se font à partir des données sur les inscriptions pour l'horaire qui inclut le 31 octobre de l'année scolaire.

(3) Dans le cas des classes semestrielles qui se tiennent pendant le second semestre, les calculs prévus à la présente partie se font à partir des données sur les inscriptions pour l'horaire qui inclut le 31 mars de l'année scolaire qui sont connues le 31 octobre de cette année.

5. Pour l'application de la présente partie, la valeur en crédits ou en équivalences en crédits d'une classe correspond au nombre de crédits ou d'équivalences en crédits que chaque élève de la classe a le droit d'obtenir lorsqu'il termine avec succès le cours ou la partie du programme de neuvième année qu'il suit dans le cadre de la classe.

6. Pour l'application du paragraphe 170.1 (2) de la Loi, l'effectif moyen de l'ensemble des classes des écoles secondaires d'un conseil est calculé chaque année de la manière suivante :

1. Pour chaque classe de chaque école secondaire du conseil, multiplier le nombre d'élèves inscrits à cette classe par la valeur en crédits ou en équivalences en crédits de la classe.
2. Additionner les résultats obtenus aux termes de la disposition 1. La somme est le nombre de crédits-élèves du conseil.
3. Établir la valeur en crédits ou en équivalences en crédits de chaque classe de chaque école secondaire du conseil.
4. Additionner les résultats obtenus aux termes de la disposition 3. La somme est le nombre de crédits-classes du conseil.
5. Diviser le nombre de crédits-élèves du conseil, calculé aux termes de la disposition 2, par le nombre de ses crédits-classes, calculé aux termes de la disposition 4.

### PARTIE III RAPPORT

7. (1) Le directeur de l'éducation de chaque conseil dresse un rapport sur l'effectif moyen des classes des écoles élémentaires et des écoles secondaires de celui-ci à temps pour respecter les échéances précisées aux articles 10 et 11.

(2) Le rapport contient les renseignements suivants :

- a) l'effectif moyen de l'ensemble des classes des écoles élémentaires du conseil, calculé aux termes de la partie I;
- b) l'effectif moyen de l'ensemble des classes des écoles secondaires du conseil, calculé aux termes de la partie II;
- c) l'effectif moyen des classes de chaque école du conseil, calculé conformément aux articles 8 et 9.

8. (1) Pour l'application de l'alinéa 7 (2) c), l'effectif moyen d'une classe d'une école élémentaire est calculé au 31 octobre de la manière suivante :

1. Établir le nombre d'élèves inscrits aux classes de l'école élémentaire.
2. Établir le nombre de classes de l'école élémentaire.
3. Diviser le nombre établi aux termes de la disposition 1 par celui établi aux termes de la disposition 2.

(2) L'article 1 et les paragraphes 2 (2) et (3) s'appliquent, avec les adaptations nécessaires, pour l'application du présent article.

9. (1) Pour l'application de l'alinéa 7 (2) c), l'effectif moyen d'une classe d'une école secondaire est calculé de la manière suivante :

1. For each class in the secondary school, multiply the number of pupils enrolled in the class by the credit value or credit equivalent value of the class.
2. Total the results obtained under paragraph 1. The result is the number of pupil credits for the secondary school.
3. Determine the credit value or credit equivalent value of each class in the secondary school.
4. Total the numbers determined under paragraph 3. The result is the number of classroom credits for the secondary school.
5. Divide the number of pupil credits for the secondary school, determined under paragraph 2, by the number of classroom credits for the secondary school, determined under paragraph 4.

(2) Sections 3, 4 and 5 apply with necessary modifications for the purposes of this section.

10. (1) The director of education shall ensure that, by December 15 in each year,

- (a) a copy of the report is submitted to the chair of the board;
- (b) copies of the report are available to the public at the head office of the board and at the office of each school of the board; and
- (c) a copy of the report is submitted to the chair of the school council for each school of the board.

(2) The director of education shall make the report available to the public in any additional manner that the board considers appropriate.

11. The director of education shall also ensure that, by December 15 in each year, a copy of the parts of the report that deal with the matters referred to in clauses 7 (2) (a) and (b) is submitted to the Minister, in a format acceptable to the Minister.

12. Where a board does not have a director of education, the secretary of the board shall perform the duties imposed by this Part on directors of education.

1. Pour chaque classe de l'école secondaire, multiplier le nombre d'élèves inscrits à cette classe par la valeur en crédits ou en équivalences en crédits de la classe.
2. Additionner les résultats obtenus aux termes de la disposition 1. La somme est le nombre de crédits-élèves de l'école secondaire.
3. Établir la valeur en crédits ou en équivalences en crédits de chaque classe de l'école secondaire.
4. Additionner les résultats obtenus aux termes de la disposition 3. La somme est le nombre de crédits-classes de l'école secondaire.
5. Diviser le nombre de crédits-élèves de l'école secondaire, calculé aux termes de la disposition 2, par le nombre de ses crédits-classes, calculé aux termes de la disposition 4.

(2) Les articles 3, 4 et 5 s'appliquent, avec les adaptations nécessaires, pour l'application du présent article.

10. (1) Le directeur de l'éducation veille à ce que les mesures suivantes soient prises au plus tard le 15 décembre :

- a) remettre une copie du rapport au président du conseil;
- b) mettre des copies du rapport à la disposition du public au siège du conseil et au bureau de chacune de ses écoles;
- c) remettre une copie du rapport au président du conseil d'école de chaque école du conseil.

(2) Le directeur de l'éducation met le rapport à la disposition du public de toute autre manière que le conseil estime appropriée.

11. Le directeur de l'éducation veille également à ce que, au plus tard le 15 décembre, une copie des parties du rapport qui portent sur les questions visées aux alinéas 7 (2) a) et b) soit remise au ministre, sous une forme que celui-ci juge acceptable.

12. Le secrétaire du conseil qui n'a pas de directeur de l'éducation s'acquitte des fonctions que la présente partie attribue aux directeurs de l'éducation.

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-04-04

## ONTARIO REGULATION 119/98

made under the  
MUNICIPAL ACT

Made: March 18, 1998

Filed: March 18, 1998

### INTERIM FINANCING OF UPPER-TIER MUNICIPALITIES

1. For the following upper-tier municipalities, the percentage indicated applies instead of the percentage in paragraph 1 of subsection 366 (8) of the Act for the 1998 taxation year:

1. Brant, 36 per cent.
2. Bruce, 35 per cent.
3. Dufferin, 39 per cent.
4. Elgin, 30 per cent.
5. Essex, 39 per cent.
6. Frontenac, 27 per cent.
7. Grey, 43 per cent.
8. Haliburton, 46 per cent.
9. Hastings, 45 per cent.
10. Huron, 33 per cent.
11. Lambton, 32 per cent.
12. Lanark, 39 per cent.
13. Leeds and Grenville, 27 per cent.
14. Lennox and Addington, 35 per cent.
15. Middlesex, 37 per cent.
16. Northumberland, 44 per cent.
17. Perth, 42 per cent.
18. Peterborough, 35 per cent.
19. Prescott and Russell, 38 per cent.
20. Renfrew, 30 per cent.
21. Simcoe, 37 per cent.
22. Stormont, Dundas and Glengarry, 42 per cent.
23. Victoria, 44 per cent.
24. Wellington, 34 per cent.

2. For the following upper-tier municipalities, the percentage indicated is the prescribed percentage for the purposes of subsection 369 (1) of the Act for the 1998 taxation year:

1. Durham, 82 per cent.
2. Haldimand-Norfolk, 79 per cent.
3. Halton, 104 per cent.
4. Hamilton-Wentworth, 76 per cent.
5. Muskoka, 86 per cent.
6. Niagara, 73 per cent.
7. Ottawa-Carleton, 72 per cent.
8. Oxford, 86 per cent.
9. Peel, 96 per cent.
10. Sudbury, 67 per cent.
11. Waterloo, 80 per cent.
12. York, 134 per cent.

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on March 18, 1998.

14/98

## ONTARIO REGULATION 120/98

made under the  
ONTARIO PLANNING AND DEVELOPMENT ACT, 1994

Made: March 19, 1998

Filed: March 19, 1998

Amending O. Reg. 482/73  
(County of Halton (now The Regional Municipality of Halton),  
City of Burlington)

1. Subparagraph iv of paragraph 1 of subsection 2 (2) of Ontario Regulation 482/73 is amended by adding the following sub-subparagraph:

- H. That part of Lot 9 in Concession 1 East Flamborough, now in the City of Burlington in the Regional Municipality of Halton, designated as Parts 1 and 2 on Reference Plan 20R-9331.

RON KENNEDY  
*Acting Director*  
*Provincial Planning Services Branch*  
*Ministry of Municipal Affairs and Housing*

Dated on March 19, 1998.

14/98

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

37

38

39

40

41

42

43

44

45

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-04-11

## ONTARIO REGULATION 121/98 made under the MILK ACT

Made: March 17, 1998

Filed: March 25, 1998

### ADMINISTRATION AND ENFORCEMENT OF REGULATIONS IN RESPECT OF THE RAW MILK AND CREAM QUALITY PROGRAM

1. (1) Subject to subsection (2), the following provisions of the *Milk Act* are designated as designated legislation to the extent that they relate to the quality of milk or cream:

1. Section 1.
2. Clause 2 (c).
3. Subsections 2.1 (2), (3), (4) and (5).
4. Subsections 4 (2) and 6 (5).
5. Sections 10, 11, 13, 21, 22, 24, 25 and 26.

(2) The provisions of the Act set out in subsection (1) are designated only to the extent that they apply to the administration and enforcement of the provisions of Regulation 761 of the Revised Regulations of Ontario, 1990 designated under sections 2 and 3.

2. (1) Subject to subsections (2) and (3), the following provisions of Regulation 761 of the Revised Regulations of Ontario, 1990 are designated as designated legislation to the extent that they relate to the quality of milk or cream:

1. Sections 1 to 39.
2. Subsections 44 (1) and (3).
3. Subsections 45 (1) and (2).
4. Subsections 46 (1), (2), (3) and (4).
5. Sections 47, 48 and 49.
6. Subsection 51 (1).
7. Sections 52, 53, 54 and 55.
8. Clauses 56 (1) (a) and (b).
9. Section 57.
10. Subsections 64 (1), (2) and (3).

11. Sections 65 and 75.
12. Clauses 88 (1) (c) and (f).
13. Subsections 88 (2), (3), (4), (4.1) and (5).
14. Section 89.
15. Subsection 90 (3).
16. Sections 91, 92, 93 and 94.

(2) The following provisions designated under subsection (1) are exempt from the designation in respect of the matters set out in the paragraphs:

1. Subclause 5 (1) (a) (ii), clause 5 (1) (h), subsection 37 (4), subsection 38 (18), subsection 52 (1), subsection 54 (2) and subsection 57 (2) in respect of the Director's approval of a laboratory.
2. Section 1, subclause 5 (1) (a) (ii), clause 5 (1) (h), subclauses 52 (1) (a) (ii) and (iii) and subsection 54 (2) in respect of the Director's approval of an official method of testing milk or cream.
3. Subsection 38 (6) in respect of the Director's approval of a sample of milk in an amount other than 38 millilitres.

(3) The following provisions designated under subsection (1) are designated with the limitations set out in the paragraphs:

1. Section 1 only in respect of its application to the administration and enforcement of the other provisions designated under subsection (1).
2. Subsection 51 (1) only in respect of its application to bulk tank milk graders.
3. Subsections 88 (2), (3), (4), (4.1) and (5) and sections 89, 91, 92, 93 and 94 only in respect of their application to applicants for certificates as bulk tank graders or apprentice bulk tank graders.

3. Dairy Farmers of Ontario is designated as the administrative authority for the purpose of administering and enforcing the legislation designated under sections 1 and 2 to the extent that it applies to milk from cows and to farm-separated cream.

NOBLE VILLENEUVE  
Minister of Agriculture, Food and Rural Affairs

Dated on March 17, 1998.

15/98

**ONTARIO REGULATION 122/98**  
made under the  
**BUILDING CODE ACT, 1992**

Made: March 25, 1998  
Filed: March 26, 1998

Amending O. Reg. 403/97

Note: Ontario Regulation 403/97 has been amended by Ontario Regulations 22/98 and 102/98.

1. (1) Sentence 7.3.5.6.(1) of Ontario Regulation 403/97 is amended by striking out "a sewage system subject to Part VIII of the *Environmental Protection Act*" in the second and third lines and substituting "a private sewage disposal system".

(2) Clauses 7.3.5.6.(3)(a) and (b) of the Regulation are revoked and the following substituted:

- (a) a private sewage disposal system, or
- (b) a source of pollution other than a private sewage disposal system.

2. (1) Sentence 8.2.1.3.(2) of the Regulation is revoked and the following substituted:

(2) For all other occupancies, the total daily design sanitary sewage flow shall be at least the value in column 2 as determined from Table 8.2.1.3.B.

(2) Sentence 8.2.1.3.(4) of the Regulation is amended by striking out "6" in the second line and substituting "3".

3. Table 8.2.1.3.A of the Regulation is amended by striking out rows 5 and 6 and substituting the following:

Dwellings	
a) 1 Bedroom Dwelling	750
b) 2 Bedroom Dwelling	1100
c) 3 Bedroom Dwelling	1600
d) 4 Bedroom Dwelling	2000
e) 5 Bedroom Dwelling	2500
f) Additional flow for <sup>2</sup>	
i) each bedroom over 5	500
ii) each 10m <sup>2</sup> (or part thereof) over 200m <sup>2</sup> <sup>3</sup>	
or	100
iii) each fixture unit over 20 fixture units	50

4. Table 8.2.1.3.B of the Regulation is amended by striking out Column 2 and renumbering Column 3 as Column 2.

5. Note 2 of Table 8.2.1.3.B of the Regulation is revoked and the following substituted:

2. Reserved.

6. Sentence 8.2.2.3.(1) of the Regulation is revoked and the following substituted:

(1) The minimum working capacity of a septic tank shall be the greater of 3 600 L and,

- (a) in residential occupancies, twice the daily design sanitary sewage flow, or
- (b) in non-residential occupancies, three times the daily design sanitary sewage flow.

**ONTARIO REGULATION 123/98**  
made under the  
**POLICE SERVICES ACT**

Made: March 25, 1998  
Filed: March 26, 1998

**GENERAL**

**PART I**  
**REMUNERATION OF POLICE SERVICES**  
**BOARDS MEMBERS**

1. A municipality shall pay to each board member who is appointed by the Lieutenant Governor in Council or the Solicitor General,

- (a) in cities having a population exceeding 500,000 according to the last revised assessment roll, not less than \$1,000 a year;
- (b) in cities having a population exceeding 100,000 and not exceeding 500,000 according to the last revised assessment roll, not less than \$500 a year;
- (c) in cities having a population not exceeding 100,000 according to the last revised assessment roll, not less than \$300 a year;
- (d) in municipalities other than cities, not less than \$100 a year.

**PART II**  
**MUNICIPAL POLICE FORCES**

2. This Part applies to municipal police forces.

3. All articles of uniform and equipment necessary for the performance of duty shall be provided by the municipality, but, where a uniform or equipment is damaged or lost through the fault of a member of a police force, the member shall bear the cost of replacement.

4. (1) Where a penalty of more than one day's forfeiture of pay is imposed under Part V of the Act, not more than one day's pay shall be deducted in each pay period until the full penalty has been paid, unless otherwise agreed to by the police officer against whom the penalty is imposed or otherwise ordered by the chief of police or board imposing the penalty.

(2) Where the police officer against whom a penalty described in subsection (1) is imposed ceases to be a member of the police force, the whole amount of the forfeiture of pay then remaining may be deducted from any pay then due.

**PART III**  
**ONTARIO PROVINCIAL POLICE FORCE**

5. This Part applies to the Ontario Provincial Police, which is referred to in this Part as the Force.

6. All articles of uniform and equipment necessary for the performance of duty shall be provided by the Force but, where a uniform or equipment is damaged or lost through the fault of a member of the Force, the member shall bear the cost of replacement.

7. No member of the Force shall contravene or fail to comply with any provision in Part III (Political Activity Rights) of the *Public Service Act*.

8. No member of the Force shall contract debts that the member is unwilling or unable to discharge and that may interfere with the performance of his or her duties as a member of the Force.

9. (1) A service badge shall be granted to a member of the Force for each five-year period of continuous service.



(2) The member shall be paid an allowance of \$8.50 a month for each service badge which he or she is granted.

10. (1) Where a penalty of more than one day's forfeiture of pay is imposed under Part V of the Act, not more than one day's pay shall be deducted in each pay period until the full penalty has been paid, unless otherwise agreed to by the police officer against whom the penalty is imposed or otherwise ordered by the Commissioner.

(2) Where the police officer against whom a penalty described in subsection (1) is imposed ceases to be a member of the Force, the whole amount of the forfeiture of pay then remaining may be deducted from any pay then due.

11. Without the consent of the Commissioner, no member of the Force shall resign unless the member has given two weeks' notice in writing to the Commissioner.

#### PART IV UNSATISFACTORY WORK PERFORMANCE

12. This Part applies to municipal police forces and the Ontario Provincial Police.

13. (1) Every chief of police shall establish policies for the assessment of police officers' work performance.

(2) The chief of police shall make the policies available to the police officers.

(3) Before the chief of police may make a complaint against a police officer of unsatisfactory work performance,

- (a) the police officer's work performance shall have been assessed in accordance with the established procedures;
- (b) the chief of police shall advise the police officer of how he or she may improve his or her work performance;
- (c) the chief of police shall accommodate the police officer's needs in accordance with the *Human Rights Code*, if the police officer has a handicap that requires accommodation because of handicap, within the meaning of the *Human Rights Code*;
- (d) the chief of police shall recommend that the police officer seek remedial assistance, such as counselling or training or participation in a program or activity, if the chief of police is of the opinion that it would improve the police officer's work performance; and
- (e) the chief of police shall give the police officer a reasonable opportunity to improve his or her work performance.

#### PART V CODE OF CONDUCT

14. (1) Any conduct described in the code of conduct, set out in the Schedule, constitutes misconduct for the purpose of section 74 of the Act.

(2) The code of conduct applies to municipal police forces and the Ontario Provincial Police.

#### Schedule

##### CODE OF CONDUCT

1. In this code of conduct,

"record" means any record of information, however recorded, whether in printed form, on film, by electronic means or otherwise, and includes correspondence, a memorandum, a book, a plan, a map, a drawing, a diagram, a pictorial or graphic work, a photograph, a film, a microfilm, a sound recording, a videotape, a machine readable record, any other documentary material, regardless of physical form or characteristics, and any copy thereof.

2. (1) Any chief of police or other police officer commits misconduct if he or she engages in,

(a) DISCREDITABLE CONDUCT, in that he or she,

- (i) fails to treat or protect a person equally without discrimination with respect to police services because of that person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,
- (ii) uses profane, abusive or insulting language that relates to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status or handicap,
- (iii) is guilty of oppressive or tyrannical conduct towards an inferior in rank,
- (iv) uses profane, abusive or insulting language to any other member of a police force,
- (v) uses profane, abusive or insulting language or is otherwise uncivil to a member of the public,
- (vi) wilfully or negligently makes any false complaint or statement against any member of a police force,
- (vii) assaults any other member of a police force,
- (viii) withholds or suppresses a complaint or report against a member of a police force or about the policies of or services provided by the police force,
- (ix) is guilty of an indictable criminal offence or a criminal offence punishable upon summary conviction,
- (x) contravenes any provision of the Act or the regulations, or
- (xi) acts in a disorderly manner or in a manner prejudicial to discipline or likely to bring discredit upon the reputation of the police force;

(b) INSUBORDINATION, in that he or she,

- (i) is insubordinate by word, act or demeanour, or
- (ii) without lawful excuse, disobeys, omits or neglects to carry out any lawful order;

(c) NEGLIGENCE OF DUTY, in that he or she,

- (i) without lawful excuse, neglects or omits promptly and diligently to perform a duty as a member of the police force,
- (ii) fails to work in accordance with orders, or leaves an area, detachment, detail or other place of duty, without due permission or sufficient cause,

- (iii) by carelessness or neglect permits a prisoner to escape,
  - (iv) fails, when knowing where an offender is to be found, to report him or her or to make due exertions for bringing the offender to justice,
  - (v) fails to report a matter that it is his or her duty to report,
  - (vi) fails to report anything that he or she knows concerning a criminal or other charge, or fails to disclose any evidence that he or she, or any person within his or her knowledge, can give for or against any prisoner or defendant,
  - (vii) omits to make any necessary entry in a record,
  - (viii) feigns or exaggerates sickness or injury to evade duty,
  - (ix) is absent without leave from or late for any duty, without reasonable excuse, or
  - (x) is improperly dressed, dirty or untidy in person, clothing or equipment while on duty;
- (d) **DECEIT**, in that he or she,
- (i) knowingly makes or signs a false statement in a record,
  - (ii) wilfully or negligently makes a false, misleading or inaccurate statement pertaining to official duties, or
  - (iii) without lawful excuse, destroys or mutilates a record or alters or erases an entry therein;
- (e) **BREACH OF CONFIDENCE**, in that he or she,
- (i) divulges any matter which it is his or her duty to keep secret,
  - (ii) gives notice, directly or indirectly, to any person against whom any warrant or summons has been or is about to be issued, except in the lawful execution of the warrant or service of the summons,
  - (iii) without proper authority, communicates to the media or to any unauthorized person any matter connected with the police force,
  - (iv) without proper authority, shows to any person not a member of the police force or to any unauthorized member of the force any record that is the property of the police force;
- (f) **CORRUPT PRACTICE**, in that he or she,
- (i) offers or takes a bribe,
  - (ii) fails to account for or to make a prompt, true return of money or property received in an official capacity,
  - (iii) directly or indirectly solicits or receives a gratuity or present without the consent of the chief of police,
  - (iv) places himself or herself under a pecuniary or other obligation to a licensee concerning the granting or refusing of
- whose licence a member of the police force may have to report or give evidence, or
- (v) improperly uses his or her character and position as a member of the police force for private advantage;
- (g) **UNLAWFUL OR UNNECESSARY EXERCISE OF AUTHORITY**, in that he or she,
- (i) without good and sufficient cause makes an unlawful or unnecessary arrest, or
  - (ii) uses any unnecessary force against a prisoner or other person contacted in the execution of duty;
- (h) **DAMAGE TO CLOTHING OR EQUIPMENT**, in that he or she,
- (i) wilfully or carelessly causes loss or damage to any article of clothing or equipment, or to any record or other property of the police force, or
  - (ii) fails to report loss or damage, however caused, as soon as practicable; or
- (i) **CONSUMING DRUGS OR ALCOHOL IN A MANNER PREJUDICIAL TO DUTY**, in that he or she,
- (i) is unfit for duty, while on duty, through consumption of drugs or alcohol,
  - (ii) is unfit for duty when he or she reports for duty, through consumption of drugs or alcohol,
  - (iii) except with the consent of a superior officer or in the discharge of duty, consumes or receives alcohol from any other person while on duty, or
  - (iv) except in the discharge of duty, demands, persuades or attempts to persuade another person to give or purchase or obtain for a member of the police force any alcohol or illegal drugs while on duty.
- (2) A police officer does not commit misconduct under subclause (1) (e) (iii) if he or she engages in the described activity in his or her capacity as an authorized representative of an association, as defined in section 2 of the Act.
- (3) A police officer does not commit misconduct under subclause (1) (f) (iii) if he or she engages in the described activity in his or her capacity as an authorized representative of an association, as defined in section 2 of the Act, or of a work-related professional organization.
3. Any chief of police or other police officer also commits misconduct if he or she conspires, abets or is knowingly an accessory to any misconduct described in section 2.

## PART VI REVOCATION

**15. Regulation 927 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 551/92 are revoked.**

15/98

**ONTARIO REGULATION 124/98**made under the  
**EDUCATION ACT**

Made: March 25, 1998

Filed: March 26, 1998

**TRANSITION ASSISTANCE GRANTS**

1. A board specified in column 1 of Table 1 shall be paid a grant in the amount specified in column 2 of Table 1 opposite the board's name.

**TABLE 1**

ITEM	COLUMN 1	COLUMN 2
1.	Conseil de district des écoles publiques de langue française n° 56	\$1,250,000
2.	Conseil scolaire de district du Grand Nord de l'Ontario	1,250,000
3.	Conseil de district des écoles publiques de langue française n° 58	500,000
4.	Conseil de district des écoles publiques de langue française n° 59	350,000
5.	Conseil de district des écoles séparées de langue française n° 60A	1,250,000
6.	Conseil de district des écoles séparées de langue française n° 60B	1,000,000
7.	Conseil de district des écoles séparées de langue française n° 61	750,000
8.	Conseil de district des écoles séparées de langue française n° 62	1,000,000
9.	Conseil de district des écoles séparées de langue française n° 63	1,000,000
10.	Conseil de district des écoles séparées de langue française n° 64	1,000,000
11.	Conseil de district des écoles séparées de langue française n° 65	350,000
12.	Conseil de district des écoles séparées de langue française n° 66	350,000
13.	York Catholic District School Board	2,900,000

15/98

**ONTARIO REGULATION 125/98**made under the  
**LOCAL SERVICES BOARDS ACT**

Made: March 24, 1998

Filed: March 26, 1998

**ORDER FOR DISSOLUTION—THE LOCAL SERVICES BOARD OF MADSEN**

1. The Local Services Board of Madsen and the Board area are dissolved under section 32 of the Act.

2. Subject to section 3, the Board's assets and liabilities are transferred to the Corporation of the Municipality of Red Lake.

**RÈGLEMENT DE L'ONTARIO 124/98**pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 25 mars 1998

déposé le 26 mars 1998

**SUBVENTIONS D'AIDE À LA TRANSITION**

1. Le conseil précisé à la colonne 1 du tableau 1 reçoit une subvention du montant précisé à la colonne 2 du tableau 1 en regard de son appellation.

**TABLEAU 1**

NUMÉRO	COLONNE 1	COLONNE 2
1.	Conseil de district des écoles publiques de langue française n° 56	1 250 000 \$
2.	Conseil scolaire de district du Grand Nord de l'Ontario	1 250 000
3.	Conseil de district des écoles publiques de langue française n° 58	500 000
4.	Conseil de district des écoles publiques de langue française n° 59	350 000
5.	Conseil de district des écoles séparées de langue française n° 60A	1 250 000
6.	Conseil de district des écoles séparées de langue française n° 60B	1 000 000
7.	Conseil de district des écoles séparées de langue française n° 61	750 000
8.	Conseil de district des écoles séparées de langue française n° 62	1 000 000
9.	Conseil de district des écoles séparées de langue française n° 63	1 000 000
10.	Conseil de district des écoles séparées de langue française n° 64	1 000 000
11.	Conseil de district des écoles séparées de langue française n° 65	350 000
12.	Conseil de district des écoles séparées de langue française n° 66	350 000
13.	York Catholic District School Board	2 900 000

3. (1) If Action No. 94-CQ-56552 between Madsen Gold Corp. (plaintiff) and Her Majesty the Queen in right of Ontario and The Local Services Board of Madsen (defendants) in the Ontario Court of Justice (General Division) results in an award of damages against the Board, this liability is a liability of Her Majesty the Queen in right of Ontario.

(2) Subsection (1) is subject to the condition that the members of the Board and the Corporation of the Municipality of Red Lake cooperate with and assist Her Majesty the Queen in right of Ontario, as may be required by Her Majesty the Queen, in the defence of the action and in responding to a judgment of the Court.

4. Section 29 of Regulation 737 of the Revised Regulations of Ontario, 1990 is revoked.

5. (1) Subject to subsection (2), this Regulation comes into force on July 1, 1998.

(2) Section 3 comes into force on May 1, 1998.

CHRIS HODGSON  
Minister of Northern Development and Mines

Dated on March 24, 1998.

15/98

**ONTARIO REGULATION 126/98**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: March 16, 1998  
Approved: March 25, 1998  
Filed: March 26, 1998

Amending Reg. 964 of R.R.O. 1990  
(Classification of Hospitals)

Note: Since January 1, 1997, Regulation 964 has been amended by Ontario Regulations 274/97, 360/97, 49/98 and 99/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) The Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 is amended by adding the following items under the heading "Group N Hospitals" immediately before item 1:

0.1	Barrie	Royal Victoria Hospital
0.2	Brampton	Peel Memorial Hospital
0.3	Burlington	Joseph Brant Memorial Hospital
0.4	Hamilton	Hamilton Health Sciences Corporation
0.5	Kingston	Kingston General Hospital
0.6	London	London Health Sciences Centre

(2) Item 2 under the heading "Group N Hospitals" in the Schedule to the Regulation is revoked and the following substituted:

2.	Mississauga	The Mississauga Hospital
2.1	Newmarket	York County Hospital
2.2	Oshawa	Oshawa General Hospital
2.3	Ottawa	Children's Hospital of Eastern Ontario
2.4	Ottawa	Ottawa Civic Hospital

(3) The Schedule to the Regulation is amended by inserting the following items under the heading "Group N Hospitals" immediately before item 3.1:

3.0.1	St. Catharines	St. Catharines General Hospital
3.0.2	Sault Ste. Marie	Sault Ste. Marie General Hospital Inc.

(4) The Schedule to the Regulation is amended by inserting the following items under the heading "Group N Hospitals" immediately before item 4:

3.2	Thunder Bay	Thunder Bay Regional Hospital
3.3	Timmins	Timmins & District Hospital
3.4	Toronto	The Hospital for Sick Children

(5) Item 4 under the heading "Group N Hospitals" in the Schedule to the Regulation is revoked and the following substituted:

4.	Toronto	St. Michael's Hospital
4.1	Toronto	Sunnybrook Health Science Hospital

(6) The Schedule to the Regulation is amended by adding the following item under the heading "Group N Hospitals":

7.	Windsor	Hôtel-Dieu Grace Hospital
----	---------	---------------------------

ELIZABETH WITMER  
Minister of Health

Dated on March 16, 1998.

15/98

**ONTARIO REGULATION 127/98**  
made under the  
**OCCUPATIONAL THERAPY ACT, 1991**

Made: February 11, 1998  
Approved: March 25, 1998  
Filed: March 26, 1998

Amending O. Reg. 226/96  
(General)

Note: Ontario Regulation 226/96 has not previously been amended.

1. Clause 12 (4) (a) of Ontario Regulation 226/96 is revoked and the following substituted:

- (a) for a member holding a general practising certificate or a provisional practising certificate,
  - (i) \$373.83 for the membership year that begins on June 1, 1998, and
  - (ii) \$420.56 for the membership year that begins on June 1, 1999 or for any subsequent membership year; and

2. This Regulation comes into force on June 1, 1998.

COUNCIL OF THE COLLEGE OF OCCUPATIONAL  
THERAPISTS OF ONTARIO:

CHRISTINE BELL  
President

JAN ROBINSON  
Registrar

Dated on February 11, 1998.

15/98

**ONTARIO REGULATION 128/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: March 25, 1998  
Filed: March 26, 1998

Amending Reg. 347 of R.R.O. 1990  
(General—Waste Management)

Note: Regulation 347 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsection 2 (1) of Regulation 347 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph:**

14. Residue from an industrial, manufacturing or commercial process or operation, if the residue leaves the site where the process or operation is carried on.

**2. (1) Subsection 3 (2) of the Regulation is amended by adding the following paragraphs:**

3. Residue remaining after metal is recovered from wire and cable and transferred by a generator for direct transportation to a site at which it will be processed for recovery of metal and plastic using a process that does not involve combustion of the residue or any part of the residue.
4. Chipped wood, other than chipped painted wood, chipped treated wood or chipped laminated wood, intended for use as ground cover.
5. Waste wood, other than painted wood, treated wood or laminated wood, transferred by a generator and destined for a site at which it is to be chipped for eventual use as ground cover.
6. Pickle liquor transferred by a generator for direct transportation to a site at which it is to be wholly utilized as a treatment chemical in,
  - i. a sewage works that is subject to the *Ontario Water Resources Act*, or
  - ii. a wastewater treatment facility that discharges into a sanitary sewer.
7. Solid photographic waste that contains silver, including spent chemical recovery cartridges that contain silver, transferred by a generator and destined for a site at which it is to be processed for recovery of silver.

**(2) Section 3 of the Regulation is amended by adding the following subsection:**

- (4) In subsection (2),

“ground cover” means,

- (a) mulch,
- (b) landscaping material, or
- (c) surfacing material for,
  - (i) trails or walkways for pedestrian use,
  - (ii) trails or paths for use by livestock or other animals,

- (iii) pens or enclosures for livestock or other animals,
- (iv) playgrounds,
- (v) parking areas, or
- (vi) private roads.

15/98

**ONTARIO REGULATION 129/98**  
made under the  
**PESTICIDES ACT**

Made: March 25, 1998  
Filed: March 26, 1998

Amending Reg. 914 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 914 has been amended by Ontario Regulation 341/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 94 of Regulation 914 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**94. (1) A certified agriculturist is an agriculturist who is certified within the last 60 months,**

- (a) to have successfully completed a course for certified agriculturists that has been approved by the Director with respect to the handling and use of pesticides on farm land; or
- (b) to possess experience that in the Director's opinion makes it unnecessary for the agriculturist to take the course described in clause (a).

**(2) An assistant agriculturist is an agriculturist who, within the last 60 months, has completed a course for assistant agriculturists that has been approved by the Director with respect to the handling and use of pesticides on farm land.**

**(3) A certified agriculturist who is the holder of a permit for a land extermination by means of a Schedule 1 pesticide on the farm land on which the agriculturist is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination.**

**(4) An agriculturist who performs a land extermination by means of a Schedule 3, 4 or 6 pesticide on the farm land on which he or she is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination.**

**(5) A certified agriculturist who performs a land extermination by means of a Schedule 2 or 5 pesticide on the farm land on which he or she is engaged in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination.**

**(6) An agriculturist who, before January 1, 2000, performs a land extermination by means of a Schedule 2 or 5 pesticide on the farm land on which he or she is engaged with a certified agriculturist in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination.**

**(7) Subject to subsections (8) and (9), on or after January 1, 2000, an assistant agriculturist who performs a land extermination by means of a Schedule 2 or 5 pesticide on the farm land on which he or she is engaged with a certified agriculturist in agricultural or forestry production is exempt from subsection 5 (1) of the Act for that extermination.**

(8) On or after January 1, 2000, an assistant agriculturist shall not,

(a) purchase a Schedule 2 or 5 pesticide;

(b) recommend or select a Schedule 2 or 5 pesticide for use on the farm land;

(c) select the application rate of a Schedule 2 or 5 pesticide for use on the farm land;

(d) calibrate application equipment for an extermination using a Schedule 2 or 5 pesticide;

(e) select the appropriate means of storage of a Schedule 2 or 5 pesticide;

(f) select the appropriate means of disposal or reclamation of an empty container that has held a Schedule 2 or 5 pesticide; or

(g) transport or dispose of a Schedule 2 or 5 pesticide that has become waste.

(9) On or after January 1, 2000, an assistant agriculturist shall not mix, load or apply a Schedule 2 or 5 pesticide except when a certified agriculturist is present on the farm land.

(10) Every certified agriculturist shall ensure that the use, storage, transportation and disposal of pesticides on the farm land on which the certified agriculturist is engaged in agricultural or forestry production is carried out in accordance with the Act and this Regulation.

15/98

# **ONTARIO REGULATION 130/98** made under the **SECURITIES ACT**

Made: February 26, 1998

Approved: March 25, 1998

Filed: March 27, 1998

Amending Reg. 1015 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97, 507/97 and 88/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 14 of Regulation 1015 of the Revised Regulations of Ontario, 1990 is amended by inserting "or" at the end of clause (e), striking out "or" at the end of clause (f), and revoking clause (g).

2. Section 15 of the Regulation is revoked.

3. Subsection 206 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:

(1) The exemptions from registration contained in subsections 35 (1) and (2) of the Act or in any other Part of this Regulation are unavailable to a market intermediary except in respect of,

. . . . .

4. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on February 10, 1998 entitled "Amendment to Ontario Securities Commission Rules Rule 32-503 Registration and Prospectus Exemption for Trades by Finan-

cial Intermediaries in Mutual Fund Securities to Corporate Sponsored Plans".

ONTARIO SECURITIES COMMISSION:

J.A. GELLER  
Chair

M.P. CARSCALLEN  
Vice-Chair

Note: The rule made by the Ontario Securities Commission on February 10, 1998 entitled "Amendment to Ontario Securities Commission Rules Rule 32-503 Registration and Prospectus Exemption for Trades by Financial Intermediaries in Mutual Fund Securities to Corporate Sponsored Plans" comes into force on April 9, 1998.

Dated on February 26, 1998.

15/98

# **ONTARIO REGULATION 131/98** made under the **OCCUPATIONAL HEALTH AND SAFETY ACT**

Made: March 25, 1998

Filed: March 27, 1998

Amending O. Reg. 385/96  
(Joint Health and Safety Committees—  
Exemption from Requirements)

Note: Ontario Regulation 385/96 has not previously been amended.

1. The definition of "ordinary worker" in section 1 of Ontario Regulation 385/96 is revoked and the following substituted:

"ordinary worker" does not include a participant in community participation under the *Ontario Works Act, 1997*;

2. This Regulation comes into force on May 1, 1998.

15/98

# **ONTARIO REGULATION 132/98** made under the **PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997**

Made: March 25, 1998

Filed: March 27, 1998

# **SENIORITY OF EMPLOYEES—ADDICTION AND MENTAL HEALTH SERVICES CORPORATION AND THE QUEEN STREET MENTAL HEALTH CENTRE**

1. (1) This Regulation governs the determination of seniority for employees in a bargaining unit of employees of the Addiction and Mental Health Services Corporation that contains an individual who was employed by the Crown at the Queen Street Mental Health Centre immediately before the Crown disposed of the business carried on at the Centre by transferring it to the Addiction and Mental Health Services Corporation.

(2) This Regulation applies if,

- (a) a seniority provision in a collective agreement applies, under section 25 of the Act, to all employees in a bargaining unit described in subsection (1);
- (b) a replacement agreement applies, under section 29 or 30 of the Act, to all employees in a bargaining unit described in subsection (1); or
- (c) a collective agreement as described in subsection 33 (2) of the Act applies to all employees in a bargaining unit described in subsection (1).

2. (1) Each employee in a bargaining unit shall be accorded seniority on the same basis as the other employees in the bargaining unit and, without restricting the generality of the foregoing,

- (a) if the collective agreement provides that seniority includes all periods of employment with the employer and all periods of employment with a predecessor employer, his or her seniority shall include all periods of employment with the employer and all periods of employment with a predecessor employer or the Crown;
- (b) if the collective agreement provides that seniority includes all periods of employment in the bargaining unit of the employer and all periods of employment in a bargaining unit of a predecessor employer, his or her seniority shall include all periods of employment in the bargaining unit of the employer and all periods of

employment with a predecessor employer or the Crown in a position having duties, responsibilities and other attributes such that, if the employment were with the employer, the employee would have been a member of the bargaining unit; and

- (c) if the collective agreement provides that seniority includes all periods of employment in the bargaining unit or in a similar bargaining unit of the employer and all periods of employment in a bargaining unit of a predecessor employer, his or her seniority shall include all periods of employment in the bargaining unit or similar bargaining unit of the employer and all periods of employment with a predecessor employer or the Crown in a position having duties, responsibilities and other attributes such that, if the employment were with the employer, the employee would have been a member of the bargaining unit or similar bargaining unit.

(2) In subsection (1),

"predecessor employer" means a predecessor employer in respect of the amalgamation of the Alcoholism and Drug Addiction Research Foundation, the Clarke Institute of Psychiatry and the Donwood Institute to form the Addiction and Mental Health Services Corporation.

3. This Regulation shall be deemed to have come into force on March 9, 1998.

15/98

**ONTARIO REGULATION 133/98**  
made under the  
**EMPLOYMENT STANDARDS ACT**

Made: March 25, 1998  
Filed: March 27, 1998

Amending Reg. 325 of R.R.O. 1990  
(General)

Note: Regulation 325 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Clause 2 (1) (b.1) of Regulation 325 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

- (b.1) a participant in community participation under the *Ontario Works Act, 1997*;

2. This Regulation comes into force on May 1, 1998.

15/98

**RÈGLEMENT DE L'ONTARIO 133/98**  
pris en application de la  
**LOI SUR LES NORMES D'EMPLOI**

pris le 25 mars 1998  
déposé le 27 mars 1998

modifiant le Règl. 325 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Le Règlement 325 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'alinéa 2 (1) b.1) du Règlement 325 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

- b.1) le participant à toute activité de participation communautaire au sens de la *Loi de 1997 sur le programme Ontario au travail*;

2. Le présent règlement entre en vigueur le 1<sup>er</sup> mai 1998.

**ONTARIO REGULATION 134/98****made under the  
ONTARIO WORKS ACT, 1997**

Made: March 25, 1998

Filed: March 27, 1998

**GENERAL****CONTENTS**

1. Definitions
2. Interpretation

**PART I****ELIGIBILITY FOR ASSISTANCE**

3. Participation in employment assistance
4. Place of residence
5. Absence from Ontario
6. Status in the country
7. Residence in an institution
8. Persons detained in custody
9. Post secondary education
10. Applicant under 18 years of age
11. Persons living with parents
12. Home visits
13. Obligation to pursue resources
14. Information to be provided
15. Agreements to reimburse and assignments

**PART II****APPLICATIONS FOR ASSISTANCE**

16. Place of application for basic financial assistance
17. Form, etc. of application for basic financial assistance
18. Participation agreement required for application for income assistance
19. Consents required for application
20. Application signed and complete
21. New application for basic financial assistance not required
22. Enquiry into circumstances re basic financial assistance
23. Further enquiry re income assistance
24. Application for employment assistance

**PART III****EMPLOYMENT AND EMPLOYMENT ASSISTANCE**

25. Interpretation
26. Employment assistance
27. Participation in employment assistance activities
28. Employment
29. Administrator may require participation
30. Participation agreement may be amended
31. Employment assistance for other persons

**PART IV****REFUSAL, CANCELLATION OR REDUCTION  
OF ASSISTANCE**

32. Assignment or transfer of assets
33. Non-compliance with Part III: recipients
34. Non-compliance with Part III: applicants
35. Non-compliance with other conditions of eligibility
36. Offence related to social assistance
37. Re-application and reinstatement

**PART V****ASSETS**

38. Prescribed limits for assets
39. Determination of assets

**PART VI****CALCULATION OF ASSISTANCE**

40. General rule
41. General budgetary requirements
42. Shelter
43. Budgetary requirements for persons in institutions
44. Budgetary requirements in other special cases
45. Reduction of budgetary requirements: co-residents
46. Reduction of budgetary requirements: persons detained in custody
47. Reduction of budgetary requirements: patient in a hospital
48. Calculating income: general rule
49. Treatment of earnings
50. Boarder and rental income
51. Sponsored immigrants
52. Exemptions: payments by Ontario
53. Exemptions: payments by Canada
54. Other exemptions

**PART VII****OTHER BASIC FINANCIAL ASSISTANCE**

55. Benefits
56. Emergency assistance
57. Temporary care assistance
58. Extended health benefit for applicants under the *Family Benefits Act*
59. Discretionary benefits

**PART VIII****GENERAL**

60. Persons acting for a recipient
61. Payment to third party
62. Recovery of overpayments and deductions re money owed for family support, etc.
63. Minimum assistance payable
64. Time and manner of payment of assistance
65. Eligibility review officers
66. Securing and discharging a lien
67. Commencement

**DEFINITIONS**

- I. (1) For the purposes of the Act and the regulations,

"child" means a person under 18 years of age;

"dependant", in relation to an applicant or recipient, means,

- (a) a person who resides in the same dwelling place and who is,

- (i) the spouse of the applicant or recipient,

- (ii) a dependent child of the applicant or recipient or of his or her spouse, or

- (iii) a dependent adult of the applicant or recipient or of his or her spouse, or

- (b) a spouse who is absent from the dwelling place of the applicant or recipient if the absence is for a reason other than a breakdown in the relationship with no reasonable prospect of reconciliation;

"emergency hostel services" means the provision of board, lodging and personal needs to homeless persons on a short term, infrequent basis, but does not include the provision of services to residents of interval or transition homes for abused women;



"geographic area" means a geographic area designated by the Minister under section 37 of the Act;

"lawful place of confinement" includes a federal penitentiary, a provincial correctional facility, an open custody facility, a secure custody facility and a municipal lock up;

"nursing home" means a nursing home licensed under the *Nursing Homes Act*;

"parent" includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home or a children's residence;

"participant", with respect to employment assistance, means a member of the benefit unit of a recipient of income assistance but does not include,

- (a) a dependent child who is of pre-school age or attending school, or
- (b) a person who receives only temporary care assistance;

"self-employment", with respect to a person, means work in a business that the person directly or indirectly operates and controls but does not include work a person carries out as a dependent contractor or in which he or she is remunerated by commission, and "self employed" has a corresponding meaning;

"single person", with respect to an applicant or recipient, means a person with no dependants;

"social assistance" includes assistance under the *Ontario Works Act, 1997*, benefits under the *Family Benefits Act* and payments under similar programs in other jurisdictions;

"sole support parent", with respect to an applicant, recipient or dependant, means a person with one or more dependants and no spouse included in the benefit unit;

"spouse", in relation to an applicant or recipient, means,

- (a) a person of the opposite sex to the applicant or recipient who together with the applicant or recipient have declared to the administrator that they are spouses,
- (b) a person who is required under a court order or domestic contract to support the applicant or recipient or any of his or her dependants,
- (c) a person who has an obligation to support the applicant or recipient or any of his or her dependants under section 30 or 31 of the *Family Law Act* whether or not there is a domestic contract or other agreement between the person and the applicant or recipient whereby they purport to waive or release such obligation to support, or
- (d) subject to subsection (3), a person of the opposite sex to the applicant or recipient who is residing in the same dwelling place as the applicant or recipient if the social and familial aspects of the relationship between the person and the applicant or recipient amount to cohabitation and,
  - (i) the person is providing financial support to the applicant or recipient,
  - (ii) the applicant or recipient is providing financial support to the person, or

(iii) the person and the applicant or recipient have a mutual agreement or arrangement regarding their financial affairs.

(2) For the purposes of the definition of "spouse", sexual factors shall not be investigated or considered in determining whether or not a person is a spouse.

(3) For the purposes of clause (d) of the definition of "spouse", unless the applicant or recipient provides evidence to satisfy the administrator to the contrary, it is presumed that if a person of the opposite sex to the applicant or recipient is residing in the same dwelling place as the applicant or recipient, the person is the spouse of the applicant or recipient.

#### INTERPRETATION

2. (1) For the purposes of the Act and the regulations, a person is a dependent adult, in relation to an applicant or recipient if,

- (a) the applicant or recipient or the spouse included in the applicant's or recipient's benefit unit is the person's parent;
- (b) the person resides in the same dwelling place as the applicant or recipient or in accommodation owned or controlled by the applicant or recipient or his or her spouse included in the benefit unit;
- (c) the person is 18 years of age or older; and
- (d) the person is not financially independent as determined under subsection (2).

(2) A person is financially independent if,

- (a) the person resides with his or her spouse or has resided with a spouse at any time in the past;
- (b) the person is eligible as a sole support student under the Ontario Student Assistance Program or has been so eligible at any time in the past;
- (c) the person's net monthly income, other than income from support for a dependent child or a dependent adult, is greater than the maximum amount of income assistance provided for a single person; or
- (d) there have been one or more periods totalling at least two years in which,
  - (i) the person's net monthly income, other than income from support for a dependent child or a dependent adult, has been greater than the maximum amount of income assistance provided for a single person, or
  - (ii) the person's basic needs and shelter have been provided by someone other than the person's parent, an institution that provides for the person's basic needs and shelter or social assistance.

(3) For the purposes of the Act and the regulations, a child is a dependent child, in relation to an applicant or recipient, if,

- (a) the applicant or recipient or the spouse included in the applicant's or recipient's benefit unit is the child's parent;
- (b) the child resides in the same dwelling place as the applicant or recipient;
- (c) the applicant or recipient or the spouse included in the benefit unit,
  - (i) receives the Child Tax Benefit under section 122.6 of the *Income Tax Act* (Canada) on behalf of the child or a determi-

nation has been made under that Act that he or she is eligible to receive the Child Tax Benefit, or

(ii) if subclause (i) does not apply, the applicant, recipient or spouse is the parent with primary care and control of the child; and

(d) in the case of a child of school age, the child,

(i) is attending school or a program approved by the administrator and, if over 16 years of age, is making satisfactory progress with his or her studies or program, or

(ii) is unable to attend school because of a physical or mental disability.

(4) A reference in a section of this Regulation to an "approved health professional" shall be deemed to be a reference to a person who is a member of a health profession that has been approved by the Director for the purposes of that section.

## PART I ELIGIBILITY FOR ASSISTANCE

### PARTICIPATION IN EMPLOYMENT ASSISTANCE

3. A person who fails to comply with the conditions of eligibility regarding employment assistance that apply to the person is not eligible for income assistance.

### PLACE OF RESIDENCE

4. (1) A person is eligible for assistance in the geographic area in which he or she is ordinarily resident.

(2) A transient or homeless person shall be deemed to reside in the geographic area in which he or she applies for assistance.

### ABSENCE FROM ONTARIO

5. A person who is absent from Ontario for a period greater than seven days is not eligible for assistance unless the absence has been approved by the administrator as necessary for reasons of health or necessary because of exceptional circumstances.

### STATUS IN THE COUNTRY

6. (1) The following persons are not eligible for assistance:

1. Subject to subsection (2), a person against whom a deportation order has been made under the *Immigration Act* (Canada), or with respect to whom a departure order or exclusion order under that Act has become effective.

2. A person who is a visitor, unless the person has made a claim for refugee status or an application for status as a permanent resident under the *Immigration Act* (Canada).

3. A person who is a tourist.

(2) Paragraph 1 of subsection (1) does not apply with respect to a person if the administrator is satisfied that,

(a) for reasons wholly beyond the control of the person, the person is unable to leave the country; or

(b) the person has made an application for status as a permanent resident under subsection 114 (2) of the *Immigration Act* (Canada).

### RESIDENCE IN AN INSTITUTION

7. (1) A person who resides in an institution that provides for the person's basic needs and shelter is not eligible for assistance.

(2) Subsection (1) does not apply with respect to,

(a) a person who resides in a nursing home or an interval or transition home for abused women;

(b) a patient in a hospital; or

(c) a person who receives emergency hostel services.

### PERSONS DETAINED IN CUSTODY

8. A person is not eligible for assistance while the person,

(a) is detained in a lawful place of confinement; or

(b) is on temporary absence, parole or probation or serving a conditional sentence and is residing in a community residence funded in whole or in part by the Ministry of the Solicitor General and Correctional Services or Correctional Service Canada.

### POST SECONDARY EDUCATION

9. No single person who is in full time attendance at a post secondary educational institution is eligible for assistance if the person,

(a) is in receipt of a loan under the *Ministry of Colleges and Universities Act* or the *Canada Student Loans Act*;

(b) is not eligible for a loan under one of those Acts because of the level of parental income, as determined under that Act; or

(c) is not eligible for a loan under one of those Acts because of a default in the payment of a previous loan under one of those Acts.

### APPLICANT UNDER 18 YEARS OF AGE

10. (1) A person who is under 18 years of age is not eligible for assistance as an applicant, a recipient or a spouse of an applicant or recipient unless,

(a) there are special circumstances that justify the assistance;

(b) the person's living arrangements are conducive to meeting the conditions of eligibility regarding education or training, employment and community participation;

(c) subject to subsection (3), the person is in attendance as a full time student at a school or institution approved by the Director or in a course of education or training approved by the administrator; and

(d) the person satisfies all other conditions of eligibility.

(2) The administrator may require that the circumstances of the person's family be assessed in order to determine whether special circumstances exist under clause (1) (a).

(3) Clause (1) (c) does not apply if the person is prevented from attending because,

(a) the person has been denied admission for reasons outside the person's control;

(b) there is medical evidence verifying a need for treatment that would interfere with attendance; or

(c) the person is caring for his or her child who is a dependent child and the administrator is satisfied that no child care is available that would permit attendance.

(4) A person shall be deemed to be in full time attendance in an educational or training program during vacation periods and while awaiting admission after having been accepted into it if the person provides evidence to satisfy the administrator that,

(a) he or she will be returning to or commencing the program at the end of the vacation period or at the earliest opportunity after acceptance; and

(b) he or she is satisfying any requirements to participate in employment assistance activities that apply to him or her.

(5) No person shall be considered to be in attendance in an education or training program if the administrator determines that he or she has been absent from that program, unless the administrator is satisfied that the absence was justified.

(6) Despite subsection 35 (3), if a person's assistance is cancelled or reduced as a result of an unjustified absence under subsection (5), it shall not be re-instated under this section.

(7) The administrator may require, as a condition of eligibility under this section, that the person do one or both of the following:

1. Participate in family counselling if the person's parents are willing to participate in family counselling.

2. Maintain contact with a responsible adult or agency that has agreed,

i. to maintain contact with the person to encourage the person to maintain living arrangements that are conducive to meeting the conditions for eligibility under this section, and

ii. to notify the administrator when it appears that the person's living arrangements are not conducive to meeting conditions of eligibility.

(8) If a person is eligible for income assistance under this section, his or her assistance shall be paid on his or her behalf to the person's guardian of property or trustee or a person appointed by the administrator under subsection 17 (2) of the Act.

#### PERSONS LIVING WITH PARENTS

11. (1) A dependent adult is not eligible for income assistance on his or her own behalf.

(2) A person who is a dependent adult or a dependent child and who has a dependent child may apply for income assistance on behalf of the dependent child but is not eligible for income assistance on his or her own behalf.

(3) A person who resides in the same dwelling place as his or her parent or in accommodation owned or controlled by his or her parent is not eligible for income assistance on his or her own behalf unless he or she is financially independent within the meaning of subsection 2 (2).

#### HOME VISITS

12. (1) The administrator may request a visit to the home of a person applying for or receiving assistance in order to verify initial or ongoing eligibility for assistance.

(2) The administrator shall determine on a random basis the persons whose homes are to be visited and may request a visit with or without notice.

(3) A person visiting a home to verify a person's eligibility for assistance shall not look at things that can not be seen in plain view.

(4) A person is not eligible for income assistance if the administrator has requested a visit to the person's home and the person has refused the visit and failed to satisfy the administrator that there was a valid reason for the refusal.

(5) The administrator may determine that there is not a valid reason for refusing a visit to the home if the person has previously refused visits to the home.

#### OBLIGATION TO PURSUE RESOURCES

13. (1) If the administrator is not satisfied that a member of a benefit unit is making reasonable efforts to obtain compensation or realize a financial resource or income that the person may be entitled to or eligible for, the administrator may determine that the person is not eligible for basic financial assistance or reduce the amount of basic financial assistance granted by the amount of the compensation, financial resource or income that in his or her opinion is available or would have been available had reasonable efforts been made to obtain or realize it.

(2) For the purposes of subsection (1),

(a) any compensation or contribution to the support or maintenance of a member of the benefit unit that may result from an undertaking given with respect to that member under the *Immigration Act* (Canada) is compensation or a financial resource to which the person is entitled;

(b) the proceeds of a loan guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or of a loan under the *Canada Student Financial Assistance Act* is a financial resource to which a member of a benefit unit is entitled if the member is in full-time attendance at a post-secondary institution; and

(c) a retirement pension under the Canada Pension Plan or the Quebec Pension Plan that is available to a person before the month in which the person attains 65 years of age is not a financial resource to which that person is entitled.

#### INFORMATION TO BE PROVIDED

14. (1) The administrator shall determine that a person is not eligible for income assistance if the person fails to provide the information the administrator requires to determine initial or ongoing eligibility for income assistance, including information with respect to,

(a) new or changed circumstances;

(b) participation in employment assistance activities;

(c) the receipt or disposition of assets; and

(d) the receipt or expected receipt of income or some other financial resource.

(2) The Director may require that a member of a benefit unit provide monthly reports to the administrator respecting,

(a) the income and assets of members of the benefit unit;

(b) attendance at employment assistance activities; or

(c) any other conditions relevant to determining the person's eligibility.

(3) A monthly report under subsection (2) shall be prepared in a form and manner approved by the Director.

(4) If a person is required to complete and return a monthly report under subsection (2) and fails to do so, the administrator may determine that the person is ineligible for income assistance.

#### AGREEMENTS TO REIMBURSE AND ASSIGNMENTS

15. (1) If money is due and owing or may become due and owing to a member of a benefit unit that, if received, would be or would have been included as income for the purpose of calculating the income assistance payable for the benefit unit, the administrator may require, as a condition of eligibility for basic financial assistance, that the member of the benefit unit or the person authorized to act for that member agree in writing to reimburse all or any part of the assistance paid when the money becomes payable.

(2) An agreement under subsection (1) may include,

(a) a requirement to reimburse assistance paid from the date of the event giving rise to the money being due and owing or becoming due and owing;

(b) an authorization and direction to the person or agency by whom the money is payable to deduct and pay the money directly to the delivery agent; and

(c) an assignment to the delivery agent of the right to be paid the money.

(3) An authorization and direction and assignment made under this section is irrevocable.

(4) If a person who has made an agreement under subsection (1) receives money to which the agreement applies, the person shall reimburse the delivery agent in accordance with the agreement for basic financial assistance paid since the date of the event giving rise to the money being or becoming owing.

(5) If the amount reimbursed is attributable to a number of months, the amount reimbursed for each month shall be the lesser of,

(a) that portion of the amount received that is attributable to that month; and

(b) the amount of basic financial assistance for that month.

(6) The agreement to reimburse, the authorization and direction and the assignment may be retrospective, prospective or both.

(7) Subsection (1) applies with respect to income or capital but does not apply to money that would be exempt as income or assets for the purpose of determining eligibility for basic financial assistance.

(8) A member of a benefit unit is not ineligible for basic financial assistance solely because a person or agency failed to deduct and remit money under an authorization and direction or an assignment made under this section, unless,

(a) the failure to deduct and remit is caused by the member of the benefit unit; or

(b) the member of the benefit unit received the money from the person or agency and failed to remit it to the administrator in accordance with the agreement.

(9) For the purpose of subsection 19 (2) of the Act, the prescribed overpayment amount is the amount that would have been payable to the administrator under an agreement made under subsection (1).

## PART II APPLICATIONS FOR ASSISTANCE

### PLACE OF APPLICATION FOR BASIC FINANCIAL ASSISTANCE

16. (1) An application for basic financial assistance shall be made to the administrator for the geographic area in which the applicant is ordinarily resident.

(2) An application for emergency assistance may be made in a geographic area other than the geographic area in which the applicant is ordinarily resident if, in the opinion of the administrator, the applicant cannot reasonably make the application in the geographic area in which he or she is ordinarily resident.

### FORM, ETC. OF APPLICATION FOR BASIC FINANCIAL ASSISTANCE

17. (1) An application for basic financial assistance shall be made to the administrator in the form and manner approved by the Director.

(2) The administrator may require an applicant to provide information necessary to determine and verify the applicant's eligibility for basic financial assistance, including the following information with respect to any member of the benefit unit:

1. The person's social insurance number.

2. The person's health number under the *Health Insurance Act*.

3. Proof of the person's identity and of his or her birth date.

4. Information with respect to the person's income and assets.

5. A report of an approved health professional relevant to a determination respecting assistance.

6. Information with respect to the benefit unit's budgetary requirements.

7. Information with respect to the person's attendance and progress in an education or training program.

8. Information with respect to the person's employment and proposed employment assistance activities.

9. Information with respect to the person's status in Canada.

### PARTICIPATION AGREEMENT REQUIRED FOR APPLICATION FOR INCOME ASSISTANCE

18. (1) An application for income assistance, other than an application related solely to temporary care assistance, shall include a participation agreement for the applicant and for his or her spouse included in the benefit unit.

(2) The administrator may also require other dependants included in the benefit unit to complete a participation agreement.

### CONSENTS REQUIRED FOR APPLICATION

19. (1) An application for income assistance, including temporary care assistance, shall include a consent to disclose and verify information signed by the applicant and his or her spouse included in the benefit unit.

(2) An application for income assistance shall, on the administrator's request, include a consent to disclose and verify information signed by another dependant.

(3) A person may be required under subsection (1) or (2) to complete a consent in a form requested by a person or body from whom required information is to be collected.

(4) A member of a benefit unit who has signed a consent to disclose and verify information shall provide a new consent if requested to do so.

#### APPLICATION SIGNED AND COMPLETE

20. (1) An application for basic financial assistance and all accompanying forms shall be signed by the applicant and the applicant's spouse included in the benefit unit.

(2) The application and all accompanying forms shall also be signed by other dependants if the administrator so requests.

(3) The application is not complete until the application and all accompanying forms, agreements and consents have been completed and signed and have been provided, together with any required verification of information, to the administrator.

#### NEW APPLICATION FOR BASIC FINANCIAL ASSISTANCE NOT REQUIRED

21. If within one year before applying for basic financial assistance, an applicant had previously applied for basic financial assistance, the administrator may accept the previous application and supporting documentation as a new application for basic financial assistance and may require additional information to make the application complete and up to date.

#### ENQUIRY INTO CIRCUMSTANCES RE BASIC FINANCIAL ASSISTANCE

22. In determining the eligibility of an applicant who applies for basic financial assistance, the administrator shall make or cause to be made an enquiry into the living conditions and the financial, employment and other circumstances of the members of the benefit unit.

#### FURTHER ENQUIRY RE INCOME ASSISTANCE

23. (1) Within one month after first finding an applicant eligible for income assistance, the administrator shall meet with him or her for the purpose of enquiring into the living conditions and financial, employment and other circumstances of the members of the benefit unit.

(2) Subsection (1) does not apply under the circumstances provided for by the Director.

#### APPLICATION FOR EMPLOYMENT ASSISTANCE

24. Sections 16, 17, 19 and 21 apply with necessary modifications with respect to persons eligible for employment assistance under clause 6 (b) or (c) of the Act.

### PART III EMPLOYMENT AND EMPLOYMENT ASSISTANCE

#### INTERPRETATION

25. For the purposes of this Regulation, community participation and the employment measures set out in section 26 are employment assistance activities.

#### EMPLOYMENT ASSISTANCE

26. Employment assistance includes community participation and the following employment measures:

1. Job search.
2. Job search support services.
3. Referral to basic education and job specific skills training.

4. Employment placement.

5. An education or training program approved by the administrator.

6. A self-employment activity approved by the administrator.

7. Supports to self-employment.

8. A substance abuse recovery program.

#### PARTICIPATION IN EMPLOYMENT ASSISTANCE ACTIVITIES

27. (1) Subject to subsection (2), every participant is required to participate in one or more employment assistance activities in accordance with sections 28 and 29.

(2) The administrator shall temporarily defer the requirement under subsection (1) with respect to a participant who meets at least one of the following criteria:

1. The participant is a sole support parent with at least one dependent child for whom publicly funded education is not available.
2. The participant is a sole support parent with at least one child for whom,
  - i. temporary care assistance is being received, and
  - ii. publicly funded education is not available.
3. The participant is a caregiver for a family member and the administrator is satisfied,
  - i. that the family member requires daily physical assistance on an ongoing basis because of a disability, illness or old age, and
  - ii. that, based on documentation from persons providing support services to the household, the assistance required to be provided by the caregiver makes participation impracticable.
4. The participant is 65 years of age or older.
5. There are exceptional circumstances, approved by the Director, that apply to the participant.

#### EMPLOYMENT

28. (1) Every participant shall make reasonable efforts to accept and maintain full-time, part-time or casual employment for which he or she is physically capable.

(2) Subsection (1) also applies with respect to a participant who is employed but not employed full-time.

(3) Every participant who is employed shall make reasonable efforts to seek, accept and maintain employment for which he or she is physically capable and that would increase his or her income from employment.

#### ADMINISTRATOR MAY REQUIRE PARTICIPATION

29. (1) An administrator may require a participant to participate in one or more employment assistance activities for which he or she is physically capable under the terms and conditions and for the periods of time specified by the administrator.

(2) An administrator shall not require a participant to participate in community participation activities for more than a total of 70 hours in any given month.

## PARTICIPATION AGREEMENT MAY BE AMENDED

30. The administrator may amend a participation agreement after reviewing the agreement with the participant.

## EMPLOYMENT ASSISTANCE FOR OTHER PERSONS

31. Employment assistance may be provided to the following persons on their request:

1. An applicant, recipient, spouse or dependant under the *Family Benefits Act*.
2. A participant who is temporarily deferred from participation under section 27.

#### PART IV REFUSAL, CANCELLATION OR REDUCTION OF ASSISTANCE

## ASSIGNMENT OR TRANSFER OF ASSETS

32. (1) If a member of an applicant's benefit unit has made an assignment or transfer of assets within the year preceding the date of the application and, in the opinion of the administrator, the consideration for the assignment or transfer was inadequate or a purpose of the assignment or transfer was to reduce the value of assets in order to qualify for assistance, the administrator may,

- (a) determine that the applicant is not eligible for assistance; or
- (b) reduce the amount of assistance to compensate for the inadequate consideration or the value of the assets assigned or transferred.

(2) Subsection (1) applies with necessary modifications with respect to a recipient if a member of the recipient's benefit unit has made an assignment or transfer of assets within the year preceding the date of the recipient's application for assistance or any time thereafter.

(3) If the administrator has reason to believe that an assignment or transfer referred to in subsection (1) occurred more than a year before the date of the application and within three years before that date, he or she may inquire into the circumstances and may refuse or reduce assistance under subsection (1) or (2).

## NON-COMPLIANCE WITH PART III—RECIPIENTS

33. (1) An administrator may cancel or reduce the assistance provided to a recipient in accordance with this section if a participant in the recipient's benefit unit,

- (a) fails to comply with section 28;
- (b) refuses or fails to make reasonable efforts to participate in employment assistance activities required under section 29 other than participation in a substance abuse recovery program; or
- (c) resigns from employment without reasonable cause or is dismissed with cause from employment.

(2) If the recipient is a single person, the assistance shall be cancelled,

- (a) for six months if,

- (i) clause (1) (a) or (b) applies and assistance with respect to the person has been previously refused, cancelled or reduced for a reason referred to in one of those clauses, or

- (ii) clause (1) (c) applies and assistance with respect to the person has been previously refused, cancelled or reduced for a reason referred to in that clause; or

- (b) for three months otherwise.

(3) If the recipient's benefit unit includes a dependant, the assistance shall be reduced by an amount equal to the budgetary requirements and benefits for the person to whom subsection (1) applies,

- (a) for six months if,

- (i) clause (1) (a) or (b) applies and assistance with respect to the person has been previously refused, cancelled or reduced for a reason referred to in one of those clauses, or

- (ii) clause (1) (c) applies and assistance with respect to the person has been previously refused, cancelled or reduced for a reason referred to in that clause; or

- (b) for three months otherwise.

(4) The three or six month period referred to in subsections (2) and (3) shall be calculated from the date of,

- (a) the administrator's decision based on a reason referred to in clause (1) (a) or (b); or
- (b) the resignation or dismissal, based on a reason referred to in clause (1) (c).

## NON-COMPLIANCE WITH PART III—APPLICANTS

34. (1) An administrator may refuse to provide assistance to an applicant or reduce the amount of assistance for which the applicant is eligible if the applicant or a person who would be a participant if assistance were granted,

- (a) refuses to comply with the requirements of section 28;
- (b) refuses to participate in an employment assistance activity; or
- (c) has resigned from employment without reasonable cause or has been dismissed from employment with cause.

(2) Subsections 33 (2), (3) and (4) apply with necessary modifications with respect to the refusal or reduction of assistance under subsection (1).

## NON-COMPLIANCE WITH OTHER CONDITIONS OF ELIGIBILITY

35. (1) An administrator may refuse to provide assistance to an applicant or cancel or reduce the income assistance and benefits provided to a recipient if a member of the benefit unit fails to comply with a condition of eligibility for assistance under the Act or this Regulation other than a matter referred to in section 32, 33, 34 or 36.

(2) If the recipient is a single person, the assistance shall be cancelled; if the recipient's benefit unit includes a dependant, the assistance shall be reduced by an amount equal to the budgetary requirements and benefits for the person to whom subsection (1) applies.

(3) Assistance shall be refused, cancelled or reduced under subsection (1) as long as the member of the benefit unit fails to comply with the condition of eligibility.

## OFFENCE RELATED TO SOCIAL ASSISTANCE

36. (1) An administrator shall refuse to provide assistance to an applicant or cancel or reduce the assistance provided to a recipient if a

member of the benefit unit has been convicted of a crime or an offence in relation to the receipt of,

- (a) assistance under the *Ontario Works Act, 1997*;
- (b) benefits under the *Family Benefits Act*; or
- (c) assistance under the *General Welfare Assistance Act*.

(2) If the recipient is a single person, the assistance shall be cancelled; if the recipient's benefit unit includes a dependant, the assistance shall be reduced by an amount equal to the budgetary requirements and benefits for the convicted person.

(3) Assistance shall be refused, cancelled or reduced under this section,

- (a) for three months if it is a first conviction;
- (b) for six months with respect to any subsequent conviction for that person.

#### RE-APPLICATION AND REINSTATEMENT

37. (1) If assistance is refused or cancelled under this Part, it shall not be provided or re-instated until the period of ineligibility has expired and a new application for assistance has been made.

(2) Subject to subsection (3), if assistance is reduced under this Part, it shall not be re-instated until the period of ineligibility has expired and the recipient or dependant with respect to whom the reduction was made makes a request for reinstatement to the administrator.

(3) If, as a result of more than one reduction to assistance under this Part, no assistance is payable to a recipient, the assistance shall be deemed to be cancelled.

### PART V ASSETS

#### PREScribed LIMITS FOR ASSETS

38. (1) Subject to subsections (2) and (3), the prescribed limit for assets for a benefit unit, for the purposes of clause 7 (3) (b) of the Act, is equal to the sum of one month's budgetary requirements with respect to the applicant or recipient and a spouse included in the benefit unit and \$500 for each dependant other than a spouse.

(2) If an applicant or recipient satisfies the administrator that the applicant or recipient or a spouse included in the benefit unit has applied for benefits under the *Family Benefits Act*, the prescribed limit for assets for the benefit unit is the amount calculated in accordance with subsections 3 (2) and (3) of Regulation 366 of the Revised Regulations of Ontario, 1990 made under that Act.

(3) Subsection (2) applies only once with respect to a benefit unit and shall continue to apply until the application under the *Family Benefits Act* is finally disposed of.

#### DETERMINATION OF ASSETS

39. For the purpose of section 38, the following are not included as assets:

- 1. Subject to paragraph 2, a person's interest in the principal residence for the benefit unit.
- 2. If a person has an interest in property that includes his or her principal residence and the property is normally used for a

purpose other than as the principal residence for the benefit unit, that portion of the interest in the property that may reasonably be regarded as attributable to the principal residence, as determined by the administrator.

- 3. That portion of the sale price of real property that is or will be applied, with the approval of the administrator, to the purchase of a principal residence for the benefit unit.
- 4. An interest in real property of a child on whose behalf temporary care assistance is provided, if that property is not used as the child's principal residence and there is an arrangement with respect to the interest that is approved by the administrator as necessary for the child's health or welfare.
- 5. With respect to a motor vehicle, the lesser of the value of the person's interest in it and \$5000.
- 6. Tools of the trade that are essential to the employment of a member of the benefit unit.
- 7. Subject to paragraphs 8 and 9, for persons who are self-employed, business assets that are necessary to the operation of their business, up to a maximum, for each person in the benefit unit who is self employed and for each business, of \$10,000 or a greater amount approved by the administrator.
- 8. If more than one person in the benefit unit is self employed in the same business, the amount under paragraph 7 for that business shall not exceed \$10,000 or the greater amount approved by the administrator.
- 9. If one person in the benefit unit is self employed in more than one business, the amount under paragraph 7 for that person shall not exceed \$10,000 or the greater amount approved by the administrator.
- 10. That portion of a student loan, grant or award approved by the Director, so long as the person for whose benefit the loan, grant or award is provided remains in attendance in the program of study for which it is intended.
- 11. A prepaid funeral up to an amount approved by the Director.
- 12. An amount not exceeding \$25,000 received as compensation for pain and suffering or expenses incurred or to be incurred as a result of an injury to or the death of a member of the benefit unit.
- 13. A payment received under any of the following agreements to which the Province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
- 14. An interest in real property of an applicant, recipient, spouse included in the benefit unit or dependent adult, other than an interest described in paragraph 1, if the person with the interest in the property has consented to the delivery agent having a lien against the property and is making reasonable efforts to sell his or her interest.
- 15. An interest in real property of a dependent child, other than an interest described in paragraph 1, if,
  - i. reasonable efforts are being made to sell the property, and



- ii. if it is property described in subsection 12 (2) of the Act, the person who has authority to consent to a lien against the property has consented to the lien.

## PART VI CALCULATION OF ASSISTANCE

### GENERAL RULE

40. (1) The amount of income assistance for a benefit unit shall be calculated on a monthly basis by determining the budgetary requirements of the benefit unit in accordance with sections 41 to 44, reducing that amount in accordance with sections 45 to 47 and subtracting from that amount the income of the benefit unit, determined in accordance with sections 48 to 54.

(2) Despite subsection (1), the budgetary requirements for a recipient in the month in which his or her application is completed,

- (a) with respect to shelter, shall be deemed to be the lesser of,
- (i) the amount the administrator has determined for one full month's shelter costs, and
  - (ii) the amount of the recipient's actual shelter costs that remains unpaid on the day the application is completed; and
- (b) with respect to basic needs, shall be prorated based on the number of days remaining in the month beginning with the day the application is completed.

### GENERAL BUDGETARY REQUIREMENTS

41. The budgetary requirements for an applicant or recipient to whom sections 43 and 44 do not apply shall be equal to the sum of the following amounts:

1. The amount payable for basic needs determined in accordance with the following Table:

TABLE

No. of Dependants Other than a Spouse	Dependants 13 Years and Over	Dependants 0-12Years	One Adult	Two Adults
0	0	0	\$ 195	\$ 390
1	0 1	1 0	446 486	476 512
2	0 1 2	2 1 0	532 572 608	576 612 648
For each additional dependant, add \$136 if the dependant is 13 years of age or over or \$100 if the dependant is less than 13 years of age.				

2. If the applicant or recipient resides north of the 50th parallel and is without year round road access, an amount determined in accordance with the following Table:

TABLE

Number of Dependants Other than a Spouse	One Adult	Two Adults
0	\$ 135	\$ 200
1	224	241
2	261	280
For each additional dependant, add \$37.		

3. The amount payable for the cost of shelter calculated under section 42.
4. If an approved health professional certifies that a member of the benefit unit requires a special diet and signs a statement setting out in detail the special diet required, an amount which is the lesser of,
  - i. the additional cost required to provide the special diet, and
  - ii. \$250.
5. A monthly amount for personal needs due to advanced age equal to \$30 with respect to each member of the benefit unit who has attained the age of 65 years.

### SHELTER

42. (1) In this section,

"shelter" means the cost for a dwelling place used as a principal residence with respect to any of the following:

1. Rent, other than amounts paid for parking and cable.
  2. Principal and interest on a mortgage or loan incurred to purchase the dwelling place or to make repairs that the administrator determines are necessary in order for the property to continue to be used as a dwelling place.
  3. Occupancy costs paid under an agreement to purchase the dwelling place.
  4. Taxes.
  5. Premiums for an insurance policy with respect to the dwelling place or its contents.
  6. Reasonable and necessary payments, approved by the administrator, for the preservation, maintenance and use of the dwelling place.
  7. Common expenses required to be contributed to a condominium unit except that portion of the common expenses allocated to the cost of energy for heat.
  8. The following utilities, if they are not included in rent or condominium fees:
    - i. An energy source used for household purposes other than for heat.
    - ii. Water and sewage.
  9. Rent under a land lease.
  10. The cost of energy for heat.
- (2) The following rules apply for calculating the cost of shelter:



1. Subject to section 45, determine the actual cost payable for shelter under subsection (1).
2. Determine the maximum amount payable for shelter in accordance with the following Table:

TABLE

Family Size	Maximum Monthly Shelter Allowance
1	\$ 325
2	511
3	554
4	602
5	649
6 or more	673

3. Subject to paragraph 4, the amount payable for shelter shall be the lesser of the sum of the amount determined under paragraph 1 and the maximum amount determined under paragraph 2.
4. If the cost of energy for heat exceeds the maximum amount payable for shelter under paragraph 2, the cost payable for shelter shall be the cost of energy for heat.
5. If an applicant or a recipient is a tenant of an authority or agency that provides low rental housing accommodation on behalf of Canada, Ontario or a municipality, shelter does not include that portion of the rent for which the applicant or recipient is liable with respect to a person living in that rental accommodation who is not a member of the benefit unit.

## BUDGETARY REQUIREMENTS FOR PERSONS IN INSTITUTIONS

43. (1) The budgetary requirements for an applicant or recipient who is resident in a nursing home or an interval or transition home for abused women shall be equal to \$112 per month for each member of the benefit unit.

(2) The budgetary requirements for an applicant or recipient of emergency hostel services shall be an amount approved by the Director for providing the benefit unit with board, lodging and personal needs.

## BUDGETARY REQUIREMENTS IN OTHER SPECIAL CASES

44. (1) The budgetary requirements for an applicant or recipient who receives board and lodging from the same source and who is not a person whose budgetary requirements are determined under subsection (2) or (3) shall be equal to the sum of the following amounts:

1. The amount paid for board and lodging up to the maximum set out in the following Table:

TABLE

Number of Dependants Other than a Spouse	One Adult	Two Adults
0	\$ 357	\$ 546
1	593	627
2	684	702

3	768	777
For each additional dependant of a sole support parent, add \$90. Otherwise, for each additional dependant, add \$77.		

2. If the applicant or recipient resides north of the 50th parallel and is without year round road access, an amount determined in accordance with the following Table:

TABLE

Number of Dependants Other than a Spouse	One Adult	Two Adults
0	\$ 135	\$ 200
1	215	228
2	249	262
3	283	296
For each additional dependant, add \$34.		

3. If an approved health professional certifies that an applicant or a recipient or a dependant requires a special diet and signs a statement setting out in detail the special diet required, an amount which is the lesser of,
  - i. the additional cost required to provide the special diet, and
  - ii. \$250.
4. For each member of the benefit unit who is 65 years of age or older, an amount for personal needs due to advanced age equal to \$30.
5. \$50.

(2) The budgetary requirements for an applicant or recipient who is both a dependant and a sole support parent shall be equal to the sum of the following amounts:

1. \$201 for the first dependant of the dependant.
2. \$86 for the second dependant of the dependant.
3. \$100 for each subsequent dependant of the dependant.
4. If the applicant or recipient resides north of the 50th parallel and is without year-round road access, an additional amount equal to the sum of \$80 for the first dependant of the dependant and \$34 for any subsequent dependant of the dependant.
5. If an approved health professional certifies that a dependant of the dependant requires a special diet and signs a statement setting out in detail the special diet required, an amount which is the lesser of,
  - i. the additional cost required to provide the special diet, and
  - ii. \$250.

(3) The budgetary requirements for an applicant or recipient who resides in the same dwelling place as a person who is his or her parent or the parent of his or her spouse included in the benefit unit or in property owned or controlled by that person shall be equal to the sum of the following amounts:

1. the lesser of,
  - i. the actual amount paid by the applicant or recipient to the parent, and

ii. the amount set out in the following Table:

TABLE

No. of Dependants Other than a Spouse	Dependants 13 Years and Over	Dependants 0-12 Years	One Adult	Two Adults
0	0	0	\$ 195	\$ 390
1	0 1	1 0	446 486	476 512
2	0 1 2	2 1 0	532 572 608	576 612 648
For each additional dependant, add \$136 if the dependant is 13 years of age or over or \$100 if the dependant is less than 13 years of age.				

2. If the applicant or recipient resides north of the 50th parallel and is without year round road access, an amount determined in accordance with the following Table:

TABLE

Number of Dependants Other than a Spouse	One Adult	Two Adults
	Monthly	Monthly
0	\$ 135	\$ 200
1	224	241
2	261	280
For each additional dependant, add \$37.		

3. If an approved health professional certifies that an applicant or a recipient or a dependant requires a special diet and signs a statement setting out in detail the special diet required, an amount which is the lesser of,

i. the additional cost required to provide the special diet, and

ii. \$250.

4. \$50.

#### REDUCTION OF BUDGETARY REQUIREMENTS: CO-RESIDENTS

45. (1) The amount payable for shelter under section 42 for an applicant or recipient who shares accommodation with one or more persons who are not his or her dependants shall be determined as follows:

1. Allocate equal shares of the entire cost of shelter among the applicant or recipient, his or her spouse included in the benefit unit, if any, and each of the persons who are not his or her dependants.
2. Calculate the amount payable for shelter based on the shares allocated to the applicant or recipient and his or her spouse included in the benefit unit, if any.

(2) No costs shall be allocated under paragraph 1 of subsection (1) with respect to the following persons:

1. A person who resides in the same dwelling place as the applicant or recipient and provides daily physical assistance on an ongoing basis to the applicant or recipient or his or her spouse included in

the benefit unit if the applicant, recipient or spouse requires assistance in order to function in a community setting.

2. A person provided with lodging by the applicant or recipient, if the person provides income to the applicant or recipient.
3. A person who provides lodging, whether or not with meals, to the applicant or recipient.
4. A person to whom subsection 44 (3) applies.

#### REDUCTION OF BUDGETARY REQUIREMENTS: PERSONS DETAINED IN CUSTODY

46. (1) If a person is detained or residing in a place described in section 8, the budgetary requirements of the person for the month that he or she is first detained and of any subsequent full month that the person is detained shall be reduced for the number of days that the person is detained.

(2) In the month that a person is released from a place described in subsection (1),

- (a) the budgetary requirements, other than the amount payable for shelter, payable to or on behalf of the person shall be reduced for the number of days that the person was detained; and
- (b) the budgetary requirements for shelter of the person may be reduced for the number of days that the person was detained.

#### REDUCTION OF BUDGETARY REQUIREMENTS: PATIENT IN A HOSPITAL

47. If a member of the benefit unit is a patient in a hospital, the administrator may reduce the budgetary requirements for the person who is hospitalized.

#### CALCULATING INCOME—GENERAL RULE

48. (1) Subject to sections 49 to 54, income shall be determined for a month by adding the total amount of all payments of any nature paid to or on behalf of or for the benefit of every member of the benefit unit during the period determined by the Director.

(2) For the purposes of subsection (1), income shall include the monetary value of items and services provided to the members of the benefit unit as well as amounts of income deemed to be available to members of the benefit unit.

(3) A payment to a person made with respect to a number of months shall be applied to those months.

#### TREATMENT OF EARNINGS

49. (1) The following rules apply with respect to the treatment of earnings:

1. The total amount of gross monthly income from employment and the amounts paid under a training program shall be reduced by,
  - i. the total of all deductions required by law or by the terms of employment that are deductions,

A. from wages, salaries, casual earnings or amounts paid under a training program, and

B. made with respect to income tax, Canada Pension Plan, employment insurance, union dues or pension contributions,

- ii. an amount equal to,

- A. if the recipient is a single person, \$143,
  - B. if the recipient has a spouse included in the benefit unit and there are no other dependants, \$249,
  - C. if the recipient has a spouse included in the benefit unit and there is one other dependant, \$295,
  - D. if the recipient has a spouse included in the benefit unit and there are two other dependants, \$346,
  - E. if the recipient has a spouse included in the benefit unit and there are three other dependants, \$397,
  - F. if the recipient has a spouse included in the benefit unit and there are four other dependants, \$442,
  - G. if the recipient has a spouse included in the benefit unit and there are five other dependants, \$480,
  - H. if the recipient has a spouse included in the benefit unit and there are six or more other dependants, \$518 with respect to the recipient, the spouse and the first six other dependants and \$38 with respect to each additional dependant,
  - I. if the recipient has no spouse included in the benefit unit and there is one dependant, \$275,
  - J. if the recipient has no spouse included in the benefit unit and there are two dependants, \$321,
  - K. if the recipient has no spouse included in the benefit unit and there are three dependants, \$372,
  - L. if the recipient has no spouse included in the benefit unit and there are four dependants, \$423,
  - M. if the recipient has no spouse included in the benefit unit and there are five dependants, \$468,
  - N. if the recipient has no spouse included in the benefit unit and there are six or more dependants, \$506 with respect to the recipient and the first six dependants and \$38 with respect to each additional dependant,
- iii. the percentage determined under subsection (2) of the amount by which the total gross monthly income from employment and amounts paid under a training program exceeds the total amount of exemptions to which the person is entitled under subparagraphs i. and ii.
- iv. child care expenses actually incurred for each dependent child and not otherwise reimbursed or subject to reimbursement up to the maximum amounts provided in paragraph 2 if,
- A. the child care expenses are necessary to permit a recipient or spouse included in the benefit unit to be employed or to participate in an employment assistance activity, and
  - B. the child care expenses are not paid to a member of the benefit unit.
2. The maximum amount of child care expenses permitted for each child,
- i. is the actual amount paid, if those expenses are paid to a child care provider licensed under the *Day Nurseries Act*; and
  - ii. otherwise is,
    - A. \$390 per month if the child is less than six years of age,
    - B. \$390 per month if the child is six years of age or older and less than 13 years of age and, in the opinion of the administrator, increased child care costs are required for the child because of special circumstances,
    - C. \$346 per month if the child is six years of age or older and less than 13 years of age and if sub-subparagraph B does not apply.
3. Deductions from income from employment and amounts paid under a training program exempted from income under subparagraphs ii and iii of paragraph 1 do not apply for the purpose of determining initial eligibility for assistance nor for the first three months that assistance is payable following a determination of eligibility, unless paragraph 4 applies.
4. Paragraph 3 does not apply with respect to an application if,
- i. income assistance under the *Ontario Works Act, 1997* or an allowance under the *Family Benefits Act* was continuously paid for at least three months to the applicant or to another person on behalf of the applicant,
  - ii. that assistance or allowance was cancelled,
  - iii. the effective date of the cancellation was less than six months before the date of the application, and
  - iv. on the effective date of the cancellation, the applicant's income included income from employment or amounts paid under a training program.
5. The earnings of a dependent child or the amount paid to a dependent child under a training program shall not be included in income.
6. The earnings of a dependent adult who is attending secondary school full time or the amount paid to such a dependent adult under a training program shall not be included in income.
7. If the calculation relates to temporary care assistance, the earnings of the child in temporary care shall not be included in income.
8. If a person's normal income is reduced because he or she is engaged in a labour dispute, that person shall be deemed to be in receipt of income from employment equal to the amount being received from that source in the month before that person's income was affected by the dispute.
9. If paragraph 8 applies, strike pay up to the amount deemed as income under that paragraph shall not be included as income.
- (2) The percentage referred to in subparagraph iii of paragraph 1 of subsection (1) shall be,
- (a) 25 per cent if none of clauses (b) to (f) apply;
  - (b) 20 per cent if the person has been in receipt of social assistance for 12 months or more and less than 24 months and has income from employment in each of those months;
  - (c) 15 per cent if the person has been in receipt of social assistance for 24 months or more and less than 36 months and has income from employment in each of those months;
  - (d) 10 per cent if the person has been in receipt of social assistance for 36 months or more and less than 48 months and has income from employment in each of those months;

(e) 5 per cent if the person has been in receipt of social assistance for 48 months or more and less than 60 months and has income from employment in each of those months; and

(f) 0 per cent if the person has been in receipt of social assistance for 60 months or more and has income from employment in each of those months.

(3) A period before May 1, 1998 shall not be considered for the purposes of subsection (2).

#### BOARDER AND RENTAL INCOME

50. (1) Subject to subsection (2), the following rules apply with respect to the treatment of boarder and rental income:

1. If a member of the benefit unit rents self-contained quarters, land or a garage to another person, 60 per cent of the gross income, as determined by the administrator, received from the rental shall be included as income.
2. If a member of the benefit unit is providing lodging and meals to one or more persons, the amount of income shall be increased by an amount for each person equal to the greater of,
  - i. 40 per cent of the amount received from that person, and
  - ii. \$100.
3. If a member of the benefit unit is providing lodging without meals to one or more persons, the amount of income shall be increased by an amount for each person that is equal to the greater of,
  - i. 60 per cent of the amount received from that person, and
  - ii. \$100.

(2) Boarder or rental income from a person is not included as income if the applicant, recipient or spouse included in the benefit unit is a parent or grandparent of the person and,

- (a) the person is a recipient of basic financial assistance in his or her own right; or
- (b) the person is a beneficiary under the *Family Benefits Act*.

#### SPONSORED IMMIGRANTS

51. The following rules apply with respect to undertakings given under the *Immigration Act* (Canada):

1. If a member of the benefit unit is a person with respect to whom an undertaking has been given under the *Immigration Act* (Canada) and he or she resides in the dwelling place of the person giving the undertaking or in accommodation owned or controlled in whole or in part by that person, income shall include an amount equal to the greater of,
  - i. the amount of all payments available to the member of the benefit unit as determined by the administrator under the undertaking given with respect to him or her, and
  - ii. the amount of the income assistance calculated in accordance with section 41 less the applicable amount determined in accordance with the following Table:

TABLE

No. of Dependants Other than a Spouse	Dependants 13 Years and Over	Dependants 0-12 Years	One Adult	Two Adults
0	0	0	\$ 195	\$ 390
1	0 1	1 0	446 486	476 512
2	0 1 2	2 1 0	532 572 608	576 612 648
For each additional dependant, add \$136 if the dependant is 13 years of age or more and \$100 if the dependant is less than 13 years of age.				

2. If an undertaking has been given under the *Immigration Act* (Canada) with respect to a member of the benefit unit and he or she does not reside in the dwelling place of the person giving the undertaking or in accommodation owned or controlled in whole or in part by that person, an amount shall be included in income equal to the greater of,
  - i. the amount of all payments available to the member of the benefit unit as determined by the administrator under the undertaking given with respect to him or her, and
  - ii. \$100.
3. The amount calculated under paragraph 1 or 2 shall be deemed to be zero if,
  - i. the person giving the undertaking under the *Immigration Act* (Canada) is himself or herself in receipt of or eligible for social assistance,
  - ii. the person giving the undertaking under the *Immigration Act* (Canada) is himself or herself in receipt of a payment under Part II of the *Old Age Security Act* (Canada) or a payment under the *Ontario Guaranteed Annual Income Act*, or
  - iii. the member of the benefit unit establishes to the satisfaction of the administrator that there has been a breakdown in the undertaking by reason of family violence.

#### EXEMPTIONS—PAYMENTS BY ONTARIO

52. The following payments by Ontario shall not be included in income:

1. Assistance under the Act.
2. A payment received under section 32 or 38 of Regulation 366 of the Revised Regulations of Ontario, 1990 made under the *Family Benefits Act*.
3. A payment made by a children's aid society on behalf of a child in care under the *Child and Family Services Act*.
4. A payment received under clause 175 (f) of the *Child and Family Services Act*.
5. A payment received under subsection 2 (2) of the *Developmental Services Act*.
6. A payment received under the *Ministry of Community and Social Services Act*.

7. A payment or refund under section 8 of the *Income Tax Act*.
8. A payment under subsection 147 (14) of the *Workers' Compensation Act*, as it read on December 31, 1997.

## EXEMPTIONS—PAYMENTS BY CANADA

53. The following payments by Canada shall not be included in income:

1. A payment received as a tax credit under section 122.5 of the *Income Tax Act* (Canada).
2. A payment received as a child tax benefit under section 122.6 of the *Income Tax Act* (Canada).
3. A payment received as a child tax benefit under section 122.61 of the *Income Tax Act* (Canada).
4. A death benefit payment under the Canada Pension Plan.
5. A payment received from the Department of Indian Affairs and Northern Development (Canada) or from a band for board and lodging of a student attending a secondary school not on the reserve.
6. A payment received pursuant to the *Indian Act* (Canada) under a treaty between Her Majesty and a band, other than funds for post secondary education.
7. A payment made by a band as an incentive bonus for school attendance to any dependant who is attending school.
8. A payment received under Order in Council P.C. 1977-2496 made under section 40 of the *Indian Act* (Canada).

## OTHER EXEMPTIONS

54. (1) The following shall not be included in income:

1. That portion of a loan, approved by the administrator, that is,
  - i. applied or will be applied to the operation of a business,
  - ii. applied on an exceptional basis for medically necessary health related reasons if no other government program is available for the purpose,
  - iii. guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or made under the *Canada Student Financial Assistance Act* and, in either case, received by or on behalf of a student and relating to tuition, other compulsory fees, books or instructional supplies for the purposes of the definition of "education costs" in section 1 of Regulation 774 of the Revised Regulations of Ontario, 1990, or
  - iv. guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or made under the *Canada Student Financial Assistance Act*, if, in either case, the proceeds are received by or on behalf of a student who is,

A. a part time student,

B. a dependent adult who is not a spouse included in the benefit unit or a sole support student as defined in subsection 1 (1) of Regulation 774 of the Revised Regulations of Ontario, 1990, or

C. a child on whose behalf temporary care assistance is being paid and who is not a sole support student as defined in subsection 1 (1) of Regulation 774 of the Revised Regulations of Ontario, 1990 made under the *Ministry of Colleges and Universities Act*.

2. An award or grant made by the Ministry of Education and Training to a student enrolled in a post-secondary institution.
3. A bursary received by a full-time student enrolled in a secondary school under paragraph 18 of subsection 8 (1) of the *Education Act*.
4. An amount, up to a maximum of \$25,000, received as damages or compensation for,
  - i. pain and suffering as a result of injury to or the death of a member of the benefit unit, or
  - ii. expenses actually and reasonably incurred or to be incurred as a result of injury to or the death of a member of the benefit unit.
5. A payment received under any of the following agreements to which the province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
6. That portion of a payment received from the sale or other disposition of an asset that is applied, or if the administrator approves, will be applied towards,
  - i. the purchase by a member of the benefit unit of a principal residence used by the benefit unit, or
  - ii. the purchase of any other asset that in the opinion of the administrator is necessary for the health or welfare of a member of the benefit unit.
7. A donation received from a religious, charitable or benevolent organization.
8. A casual gift or casual payment of small value.
9. If a member of a benefit unit is residing in a nursing home, a payment by a relative or friend of the member with respect to special services provided by the operator of the nursing home.

(2) An exemption under paragraph 4 of subsection (1) shall not apply to a payment made under the *Workplace Safety and Insurance Act, 1997*.

## PART VII OTHER BASIC FINANCIAL ASSISTANCE

### BENEFITS

55. (1) The following benefits shall be paid with respect to each of the members of a recipient's benefit unit if the administrator is satisfied that he or she meets the criteria for them and income assistance is being paid on his or her behalf:

#### HEALTH BENEFITS

1. An amount for health benefits equal to the sum of,
  - i. the cost for drugs prescribed for members of the benefit unit by an approved health professional if those drugs have been

approved by the Minister of Health and purchased from a dispensary during any month in which the person requiring the drugs is a member of the benefit unit,

- ii. the cost for dental and vision services for dependent children if those services and that cost have been approved by the Minister, and
- iii. the cost for diabetic supplies, surgical supplies and dressings and transportation reasonably required for medical treatment for a member of the benefit unit, if the cost of the item or service is not otherwise reimbursed or subject to reimbursement.

#### WINTER CLOTHING FOR CHILDREN

- 2. An amount equal to \$105 for winter clothing for each of the dependent children of a recipient who is eligible for income assistance in the month of November and who has one or more dependent children in that month.

#### BACK TO SCHOOL

- 3. An amount to be paid once in a year for back to school expenses of a recipient who is eligible for income assistance in the month of August and who has one or more dependent children in that month in an amount equal to,
  - i. \$69 for each dependent child who is four years of age or more and less than 13 years of age, and
  - ii. \$128 for each dependent child who is 13 years of age or older and who is or will be attending school.

#### COMMUNITY START UP

- 4. An amount, not exceeding \$799, to establish a new residence if,
  - i. a recipient will be establishing a permanent residence whether within or outside the geographic area,
  - ii. the administrator is satisfied that the recipient will need financial assistance to establish the residence,
  - iii. the recipient,
    - A. is being discharged from an institution which provided for his or her basic needs and shelter, or
    - B. has satisfied the administrator that it would be harmful to his or her health or welfare to remain in his or her current place of residence, and
  - iv. there has not been a payment under this paragraph or under section 35 of Regulation 366 of the Revised Regulations of Ontario made under the *Family Benefits Act* within the preceding 12 months or there has been such a payment within the preceding 12 months and the Director approves the additional payment.

#### GUIDE DOG

- 5. If a member of the benefit unit has a guide dog, an amount determined by the Director but not exceeding \$64 for the care of the guide dog.

#### EMPLOYMENT AND TRAINING START UP ASSISTANCE

- 6. If a recipient, a spouse included in the benefit unit or a dependent adult who is not attending school full time begins or changes employment or begins an employment assistance activity, an amount determined by the administrator for expenses approved by the administrator and reasonably necessary for the person to begin the new employment or activity, up to a maximum in any 12 month period with respect to any one person of \$253.

#### UP FRONT CHILD CARE

- 7. If a recipient, a spouse included in the benefit unit or a dependent adult who is not attending school full time begins or changes employment or begins an employment assistance activity and, in the opinion of the administrator, the person is required to pay in advance for child care that is reasonably necessary to permit the person to begin the new employment or activity, an amount determined by the administrator, up to a maximum in any 12 month period of the amount that the person would be entitled to as a deduction for child care under section 49.

(2) The amount paid under paragraph 7 of subsection (1) shall not constitute reimbursement for child care expenses for the purpose of determining deductions from income under section 49.

#### EMERGENCY ASSISTANCE

56. (1) If an applicant requires assistance because of an emergency, emergency assistance may be paid for a period of not more than one-half of a month and thereafter assistance shall only be paid after an application for income assistance has been made under Part II.

(2) The administrator may provide emergency assistance under this section if the administrator is satisfied that,

- (a) the applicant does not have enough money or assets and is unable to obtain credit necessary to provide for the basic needs and shelter needs for his or her benefit unit; and
- (b) a failure to provide the emergency assistance will result in danger to the physical health of a member of the benefit unit or in one or more dependent children being unable to continue to reside with his or her parent who has requested the emergency assistance.

(3) The administrator shall determine the amount of emergency assistance payable.

(4) Emergency assistance shall not be provided to or on behalf of a person subject to a period of ineligibility for income assistance under section 32, 33, 34, 35 or 36.

#### TEMPORARY CARE ASSISTANCE

57. (1) This section applies with respect to the provision of income assistance and benefits on behalf of a child under section 10 of the Act.

(2) A child is in the temporary care of an adult when,

- (a) the child is to reside for a short term with the adult;
- (b) the child is expected to return to reside with his or her parent at the earliest opportunity; and
- (c) no parent or other person with a legal obligation to support the child is able to care for the child.

(3) An adult has a legal obligation to support a child if the adult has an obligation to support the child under the *Family Law Act* or under the *Divorce Act* (Canada) or under similar legislation in another jurisdiction.

(4) A child is in financial need for the purposes of this section if the budgetary requirements of the child exceed the child's income and the child's assets do not exceed \$500.

(5) For the purpose of subsection (4), the child's budgetary requirements are,

- (a) \$271 for the first child and \$221 for each additional child if the adult applicant or recipient resides north of the 50th parallel and is without year round road access;
- (b) \$214 for the first child and \$174 for each additional child if clause (a) does not apply;
- (c) if an approved health professional certifies that the child requires a special diet and signs a statement setting out in detail the special diet required, an amount which is the lesser of,
  - (i) the additional cost required to provide the special diet, and
  - (ii) \$250; and
- (d) any additional amounts under section 55 for which the child on whose behalf temporary care assistance is provided qualifies.

(6) An application for income assistance and benefits shall be in the form and manner approved by the Director and shall be made to the administrator for the geographic area where the adult resides and the application and all supporting documentation shall be signed by the adult and, if the child is 16 years of age or older, the child.

(7) The administrator may require as a condition of eligibility that the adult make reasonable efforts to pursue support from any person with a legal obligation to support the child.

(8) The administrator may require the adult to enter into an agreement in accordance with section 15 with respect to the assistance provided on behalf of the child if he or she receives or may receive support for the child.

#### EXTENDED HEALTH BENEFIT FOR APPLICANTS UNDER THE FAMILY BENEFITS ACT

58. A person is eligible for the benefits set out in subparagraph i of paragraph 1 of subsection 55 (1) for any month in which,

- (a) the person is not entitled to income assistance because his or her income exceeds his or her budgetary requirements, and the person would otherwise be entitled to it;
- (b) the person's income determined under sections 48 to 54 is less than the person's budgetary requirements plus the value of the benefits in subparagraph i of paragraph 1 of subsection 55 (1);
- (c) the person or his or her spouse included in the benefit unit has applied for benefits under the *Family Benefits Act* and that application has not been finally disposed of;
- (d) the person or his or her spouse included in the benefit unit suffers from a condition listed in subsection 8 (2) of Regulation 552 of the Revised Regulations of Ontario, 1990 made under the *Health Insurance Act*; and
- (e) the person or his or her spouse included in the benefit unit has not previously applied for and been refused eligibility for benefits under clause 7 (1) (a), (b), (c) or (e) of the *Family Benefits Act* or subsection 2 (5) of Regulation 366 of the Revised Regulations of Ontario, 1990 made under that Act.

#### DISCRETIONARY BENEFITS

59. (1) A delivery agent may pay or provide one or more of the benefits set out in subsection (2) to or on behalf of a person referred to in section 8 of the Act in the amount determined by the administrator.

(2) For the purposes of subsection (1), the benefits are the following:

- 1. The cost of dental services.
- 2. The cost of one or more prosthetic appliances, including eye-glasses.
- 3. The cost of vocational training and retraining.
- 4. The cost of travel and transportation.
- 5. The cost of moving.
- 6. The cost of a funeral and burial and the extraordinary costs of transporting a deceased person.
- 7. Any other special service, item or payment in addition to those set out in paragraphs 1 to 6 authorized by the Director.

(3) An application for discretionary benefits shall be in the form and manner approved by the Director and shall be made to the administrator for the geographic area where the applicant resides.

(4) Beneficiaries under the *Family Benefits Act* are members of a prescribed class for purposes of clause 8 (c) of the *Ontario Works Act, 1997*.

(5) Ontario or a delivery agent is entitled to recover amounts paid under paragraph 6 of subsection (2) from the persons or organizations liable for the payment of those costs.

#### PART VIII GENERAL

##### PERSONS ACTING FOR A RECIPIENT

60. (1) If one of the following bodies is appointed by the administrator to act for a recipient under section 17 of the Act, that body may receive compensation for expenses incurred and services provided in acting for the recipient:

- 1. The Office of the Public Guardian and Trustee.
- 2. An organization or agency under contract to the delivery agent or to the Ministry to act on behalf of persons.

(2) The compensation for expenses under subsection (1) shall not be recovered from the amount of basic financial assistance payable to a recipient.

(3) A person appointed to act for a recipient shall file an annual report with the administrator accounting for the use of the basic financial assistance received on behalf of a person and shall provide such supplementary information, monthly or otherwise, including receipts, as is requested by the administrator.

(4) The administrator shall, if feasible, obtain the consent of a recipient 18 years of age or older to an appointment under section 17 of the Act, and if the recipient so requests, shall give the recipient an opportunity to suggest someone else to act for him or her or to make submissions as to why the appointment should not be made or should be discontinued.

(5) If the administrator appoints a person to act for a recipient, the administrator shall periodically inquire into the need to continue the appointment and may revoke the appointment as a result of the review.



(6) An administrator who has paid basic financial assistance for a benefit unit to a person appointed under this section may pay an additional amount not to exceed one month's income assistance if the administrator is satisfied that,

- (a) the person appointed under this section has misused the amount originally paid; and
- (b) without the additional payment, the benefit unit is unable to provide for its basic needs and shelter.

#### PAYMENT TO THIRD PARTY

61. (1) An administrator shall not pay a part of a recipient's basic financial assistance directly to a third party under section 18 of the Act unless the administrator is satisfied that an amount is owing or will be owing to the third party by a member of the benefit unit.

(2) The administrator may pay a part of a recipient's basic financial assistance into court or to a neutral third party pending resolution of a dispute if,

- (a) the recipient asks the administrator to do so; and
- (b) the administrator is satisfied that there is a reasonable dispute regarding the obligation to pay to which subsection (1) applies.

#### RECOVERY OF OVERPAYMENTS AND DEDUCTIONS RE MONEY OWED FOR FAMILY SUPPORT, ETC.

62. (1) Subject to subsection (2), for the purposes of subsections 20 (2) and 23 (3) of the Act, the prescribed amount is 10 per cent of basic financial assistance.

(2) The administrator shall not deduct more than a total of 10 per cent of basic financial assistance under subsections 20 (2) and 23 (3) of the Act.

#### MINIMUM ASSISTANCE PAYABLE

63. If the amount of any payment of assistance is determined to be less than \$2.50, the amount shall be \$2.50.

#### TIME AND MANNER OF PAYMENT OF ASSISTANCE

64. (1) Assistance shall not be paid with respect to a period of more than one month at any one time unless the payment is a retroactive calculation or made pursuant to a decision of the Tribunal or the court.

(2) Assistance shall be paid in the manner directed by the Director.

#### ELIGIBILITY REVIEW OFFICERS

65. (1) For the purposes of carrying out an investigation, an eligibility review officer may,

- (a) subject to subsection (2), enter any place that the officer believes on reasonable grounds contains evidence relevant to determining a person's eligibility for payments under an Act set out in subsection 58 (2) of the *Ontario Works Act, 1997*;
- (b) inquire into all financial transactions, records and other matters that are relevant to the investigation; and
- (c) demand the production for inspection of anything described in clause (b).

(2) An officer shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling except under the authority of a search warrant.

(3) An officer shall exercise the powers mentioned in subsection (1) only during business hours for the place that the officer has entered.

(4) A demand mentioned in clause (1) (c) shall be in writing and shall include a statement of the nature of the things required.

(5) If an officer makes a demand, the person having custody of the things shall produce them to the officer.

(6) On issuing a written receipt, the officer may remove the things that are produced and may,

- (a) review or copy any of them; or
- (b) bring them before a justice of the peace, in which case section 159 of the *Provincial Offences Act* applies, or deal with them in accordance with the applicable provisions of the *Criminal Code* (Canada).

(7) Except where clause (6) (b) applies, the officer shall review or copy things with reasonable dispatch and shall forthwith after doing so return the things to the person who produced them.

(8) A copy certified by an officer as a copy made under clause (6) (a) is admissible in evidence to the same extent, and has the same evidentiary value as the thing copied.

(9) An officer may call upon an expert for whatever assistance he or she considers necessary in carrying out an investigation.

(10) For the purpose of carrying out an investigation, an officer may use a data storage, processing or retrieval device or system in order to produce a record in readable form.

(11) An officer may require information or material from a person who is the subject of an investigation under this section or from any person who the officer has reason to believe can provide information or material relevant to the investigation.

(12) A person who is required under this section to produce a record for an officer shall, on request, provide whatever help is reasonably necessary including using any data storage, processing or retrieval device or system to produce a record in readable form.

(13) Only the persons or classes of persons authorized by the Director shall have the authority to apply for and act under a search warrant under the authority of subsection 58 (2) of the Act.

#### SECURING AND DISCHARGING A LIEN

66. (1) This section applies to a person's interest in land that includes his or her principal residence,

- (a) only if the person has been in continuous receipt of assistance for at least 12 months; and
- (b) only with respect to the portion exceeding the sum of 10 per cent of the value of the person's interest in the land and \$5000.

(2) If a person who owns or has an interest in land in Ontario has consented to the delivery agent having a lien against the property, the delivery agent may deliver or transmit a certificate of lien in duplicate in the form approved by the Director to the sheriff for the area in which the land mentioned in it is situate.

(3) Upon receipt of a certificate of lien under subsection (2), the sheriff shall, without fee,



- (a) enter the certificate of lien, as the case may be, in the electronic database that the sheriff maintains for writs of execution;
- (b) indicate in the electronic database that the certificate of lien, as the case may be, affects land governed by the *Land Titles Act*;
- (c) assign a number in the electronic database consecutively to each certificate of lien in the order of receiving it;
- (d) note in the electronic database the date of receiving each certificate of lien; and
- (e) give the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction access to the electronic database.

(4) As soon as the endorsement and entry have been made under subsection (3), if the land mentioned in the certificate is in the registry system, the delivery agent has a lien against the person's land mentioned in the certificate for an amount equal to the amount of any assistance provided from the date identified in the consent, to the extent that that amount remains unpaid from time to time.

(5) If a certificate respecting execution against land is required from a sheriff or land registrar, that execution certificate shall, without additional fee, make reference to a certificate of lien mentioned in subsection (3) that contains a name that is the same as the name shown in the execution certificate.

(6) As soon as a person has discharged his or her obligation to pay the amount referred to in this section, the lien mentioned in this section is discharged, and the delivery agent shall deliver or transmit a certificate of discharge in duplicate in the form approved by the Director to the sheriff to whom the certificate of lien was delivered or transmitted.

(7) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the person from the electronic database kept under subsection (3).

(8) A delivery agent shall not require the transfer or disposition of a property to which a lien under this section applies.

(9) For the purposes of subsection 12 (2) of the Act, the prescribed period is one year and the prescribed class is a parent.

(10) The amount recovered under a lien shall not exceed the basic financial assistance,

- (a) paid to or on behalf of the benefit unit; and
- (b) with respect to which the consent to a lien relates.

#### COMMENCEMENT

**67. This Regulation comes into force on May 1, 1998.**

## ONTARIO REGULATION 135/98 made under the ONTARIO WORKS ACT, 1997

Made: March 25, 1998

Filed: March 27, 1998

### ADMINISTRATION AND COST SHARING

#### 1. In this Regulation,

"assistance costs" means the sum of,

- (a) the cost of assistance provided under the Act, except,
  - (i) the cost of assistance under section 8 of this Regulation, and
  - (ii) the cost of employment assistance otherwise reimbursed or cost shared by Ontario,
- (b) the cost of interim assistance under the Act or under a predecessor of it;

"cost of administration" means the administrative costs incurred with respect to providing assistance under the Act except for administrative costs otherwise reimbursed or cost shared by Ontario;

"Greater Toronto Area" means the geographic area that lies within the jurisdiction, as constituted from time to time, of The Regional Municipality of Durham, The Regional Municipality of Halton, The Regional Municipality of Peel, the City of Toronto and The Regional Municipality of York.

2. (1) An administrator shall complete a monthly application for payment of a subsidy by Ontario with respect to assistance paid in a month and shall forward it to the Director before the 20th day of the month next following.

(2) An administrator shall complete an annual application for payment of a subsidy by Ontario with respect to the cost of administration.

(3) An administrator shall complete a quarterly report with respect to the costs referred to in subsection (2), if requested to do so by the Director.

(4) An administrator shall complete a separate statement of account for each recipient to whom or on whose behalf assistance has been paid during each month and retain the statement in the administrator's files.

#### 3. (1) The Director may,

- (a) require an administrator to provide the Director with whatever information as to the contents of the information submitted under section 2 that the Director considers necessary;
- (b) require an inspection and audit of the books and accounts of the delivery agent relating to the information submitted under section 2.

(2) An administrator shall provide the Director with such information and evidence as the Director may require with respect to an applicant or recipient to determine whether or not the applicant or recipient is eligible for assistance.

4. An administrator shall review at regular intervals the eligibility of recipients and the amount of assistance payable with respect to them.

5. A person administering or enforcing this Act on behalf of a delivery agent shall not disclose the identity of a person who is eligible for or receives assistance to the head or a member of one of the following bodies without the prior approval of the Director:

1. The council of a municipality, including a regional or district municipality.
2. The council of a band.
3. A district welfare administration board.

#### EMERGENCY HOSTEL SERVICES

6. A delivery agent may contract with a person or organization for the provision of emergency hostel services.

#### SUBSIDIES

7. (1) The subsidy payable to a delivery agent that is not in the Greater Toronto Area shall be equal to the sum of,

- (a) 80 per cent of the assistance costs incurred by the delivery agent;
- (b) if the delivery agent employs a full-time administrator, 50 per cent of the delivery agent's reasonable cost of administration, as approved by the Director; and
- (c) 50 per cent of the delivery agent's reasonable costs of staff training, as approved by the Director.

(2) The subsidy payable by Ontario to a delivery agent in the Greater Toronto Area shall be calculated as follows:

1. For each delivery agent, determine the total of the assistance costs incurred by that delivery agent and the reasonable cost of administration, as approved by the Director and incurred by that delivery agent.
2. For each delivery agent, determine the sum of 20 per cent of the assistance costs incurred by that delivery agent and 50 per cent of the reasonable cost of administration, as approved by the Director and incurred by that delivery agent.
3. For the Greater Toronto Area, calculate the sum of the amounts determined under paragraph 2.
4. Apportion among the delivery agents their share of the amount determined under paragraph 3 by multiplying that amount by the percentage of the total attributable to each delivery agent, as set out in the Table to this section.
5. For each delivery agent, subtract from the amount determined under paragraph 1 the amount determined under paragraph 4.

TABLE

Delivery agent	Percentage of total
Regional Municipality of Durham	7.1194 per cent
Regional Municipality of Halton	7.2916 per cent
Regional Municipality of Peel	18.4278 per cent
City of Toronto	52.2424 per cent
Regional Municipality of York	14.9188 per cent

8. (1) Subsection (2) applies if,

- (a) at any time during the 12 month period preceding his or her application for assistance, an applicant resided in Ontario on a reserve or in a geographic area for which the Council of a band was the delivery agent; and

- (b) at the time of applying for assistance the applicant no longer lives on the reserve or in a geographic area for which the Council of a band is the delivery agent.

(2) Ontario shall reimburse a delivery agent that is not a band for the full amount it expends for assistance for the person referred to in subsection (1) until the person has resided for 12 consecutive months in a municipality.

9. Where the municipalities participating in a district welfare administration board established under the *District Welfare Administration Boards Act* are unduly burdened in any year as a result of costs of carrying out the purposes of this Act, by reason of the transfer by amalgamation or annexation of one or more municipalities or any part of one or more municipalities participating in the board to one or more municipalities not participating in the board, the Province of Ontario shall, in respect of that year, pay an amount prescribed by the Minister to the municipalities participating in the board.

10. A delivery agent that recovers all or part of assistance paid shall refund to Ontario the subsidy paid with respect to the assistance recovered.

11. If a delivery agent has paid assistance to a recipient who is not eligible for it, the amount paid may be included as assistance for the purposes of section 7.

12. (1) The Director may pay assistance to any person who is eligible for it and, if the person resides in the geographic area of a delivery agent, the delivery agent's share of the assistance paid is recoverable from the delivery agent as a debt due to the Crown in right of Ontario and may be deducted from any money payable by Ontario to the delivery agent under the authority of any Act, or may be sued for in a court of competent jurisdiction.

(2) If Ontario pays assistance to a person who resides in the geographic area of a delivery agent, the Province may deduct from any subsidy payable to the delivery agent under this Regulation an amount equal to the administrative costs incurred by Ontario as a result of paying the assistance to the person.

13. The Director shall pay, on behalf of an applicant or recipient, the cost of completion of a medical report in the amount of \$15 if it is a report or a supplementary report requested by the administrator and submitted by an approved medical practitioner.

14. This Regulation comes into force on May 1, 1998.

15/98

#### ONTARIO REGULATION 136/98 made under the ONTARIO WORKS ACT, 1997

Made: March 24, 1998  
Filed: March 27, 1998

#### DESIGNATION OF GEOGRAPHIC AREAS AND DELIVERY AGENTS

1. The geographic areas of jurisdiction, as constituted from time to time, of the municipalities and district welfare administration boards set out in column 1 of Schedule 1 are designated as geographic areas and the entity set out opposite to each geographic area in Column 2 of Schedule 1 is designated as the delivery agent for that geographic area.

2. The geographic areas of jurisdiction, as constituted from time to time, of the reserves of the bands set out in Schedule 2 are designated as geographic areas and those bands are designated as delivery agents for those reserves.

3. The geographic area, as constituted from time to time, comprising those parts of the territorial districts under the *Territorial Division Act* that are not included in a geographic area under section 1 or 2 is designated as a geographic area and the Ministry is designated as the delivery agent for that geographic area.

4. An agreement between a delivery agent and another person shall not include authority to determine eligibility for assistance unless the other person is also a delivery agent.

5. This Regulation comes into force on May 1, 1998.

#### Schedule 1

ITEM	GEOGRAPHIC AREAS	DELIVERY AGENTS
1.	City of Toronto	City of Toronto
2.	Regional Municipality of Durham	Regional Municipality of Durham
3.	Regional Municipality of Haldimand-Norfolk	Regional Municipality of Haldimand-Norfolk
4.	Regional Municipality of Halton	Regional Municipality of Halton
5.	Regional Municipality of Hamilton-Wentworth	Regional Municipality of Hamilton-Wentworth
6.	Regional Municipality of Niagara	Regional Municipality of Niagara
7.	Regional Municipality of Ottawa-Carleton	Regional Municipality of Ottawa-Carleton
8.	Regional Municipality of Peel	Regional Municipality of Peel
9.	Regional Municipality of Waterloo	Regional Municipality of Waterloo
10.	Regional Municipality of York	Regional Municipality of York
11.	District Municipality of Muskoka	District Municipality of Muskoka
12.	County of Brant	County Brant
13.	City of Brantford	City of Brantford
14.	County of Bruce	County of Bruce
15.	Municipality of Chatham-Kent	Municipality of Chatham-Kent
16.	County of Dufferin	County of Dufferin
17.	County of Elgin	County of Elgin
18.	City of St. Thomas	City of St. Thomas
19.	County of Essex	County of Essex
20.	Township of Pelee	Township of Pelee
21.	City of Windsor	City of Windsor
22.	Frontenac Board of Management	Frontenac Board of Management
23.	City of Kingston	City of Kingston
24.	County of Grey	County of Grey
25.	City of Owen Sound	City of Owen Sound
26.	County of Haliburton	County of Haliburton

27.	County of Hastings	County of Hastings
28.	City of Belleville	City of Belleville
29.	City of Quinte West	City of Quinte West
30.	County of Huron	County of Huron
31.	County of Lambton	County of Lambton
32.	County of Lanark	County of Lanark
33.	Town of Smiths Falls	Town of Smiths Falls
34.	County of Leeds and Grenville	County of Leeds and Grenville
35.	City of Brockville	City of Brockville
36.	Town of Gananoque	Town of Gananoque
37.	Town of Prescott	Town of Prescott
38.	County of Lennox and Addington	County of Lennox and Addington
39.	County of Middlesex	County of Middlesex
40.	City of London	City of London
41.	County of Northumberland	County of Northumberland
42.	County of Oxford	County of Oxford
43.	County of Perth	County of Perth
44.	City of Stratford	City of Stratford
45.	Town of St. Marys	Town of St. Marys
46.	County of Peterborough	Ministry
47.	City of Peterborough	City of Peterborough
48.	County of Prescott and Russell	County of Prescott and Russell
49.	County of Prince Edward	County of Prince Edward
50.	County of Renfrew, including the City of Pembroke	County of Renfrew
51.	County of Simcoe	County of Simcoe
52.	City of Barrie	City of Barrie
53.	City of Orillia	City of Orillia
54.	County of Stormont, Dundas and Glengarry	County of Stormont, Dundas and Glengarry
55.	City of Cornwall	City of Cornwall
56.	County of Victoria	County of Victoria
57.	County of Wellington	County of Wellington
58.	City of Guelph	City of Guelph
TERRITORIAL DISTRICT OF ALGOMA		
59.	Algoma District Welfare Administration Board	Algoma District Welfare Administration Board
60.	City of Sault Ste. Marie	City of Sault Ste. Marie
TERRITORIAL DISTRICT OF COCHRANE		
61.	Cochrane District Welfare Administration Board	Cochrane District Welfare Administration Board
62.	City of Timmins	City of Timmins

TERRITORIAL DISTRICT OF KENORA		
63.	City of Dryden	City of Dryden
64.	Township of Machin	Township of Machin
65.	Town of Kenora	Town of Kenora
66.	Town of Keewatin	Town of Keewatin
67.	Town of Jaffray Melick	Town of Jaffray Melick
68.	Township of Sioux Narrows	Township of Sioux Narrows
69.	Town of Sioux Lookout	Town of Sioux Lookout
70.	Township of Ignace	Township of Ignace
71.	Township of Red Lake	Township of Red Lake
72.	Township of Golden	Township of Golden
73.	Township of Ear Falls	Township of Ear Falls
74.	Township of Pickle Lake	Township of Pickle Lake
TERRITORIAL DISTRICT OF MANITOULIN		
75.	Town of Gore Bay	Town of Gore Bay
76.	Town of Northeastern Manitoulin and The Islands	Town of Northeastern Manitoulin and The Islands
77.	Township of Assiginack	Township of Assiginack
78.	Township of Barrie Island	Township of Barrie Island
79.	Township of Billings	Township of Billings
80.	Township of Burpee and Mills	Township of Burpee and Mills
81.	Township of Central Manitoulin	Township of Central Manitoulin
82.	Township of Cockburn Island	Township of Cockburn Island
83.	Township of Gordon	Township of Gordon
84.	Township of Rutherford and George Island	Township of Rutherford and George Island
85.	Township of Tehkummah	Township of Tehkummah
TERRITORIAL DISTRICT OF NIPISSING		
86.	Nipissing District Welfare Administration Board	Nipissing District Welfare Administration Board
87.	City of North Bay	City of North Bay
TERRITORIAL DISTRICT OF PARRY SOUND		
88.	Parry Sound District Welfare Administration Board	Parry Sound District Welfare Administration Board
TERRITORIAL DISTRICT OF RAINY RIVER		
89.	Rainy River District Welfare Administration Board	Rainy River District Welfare Administration Board
TERRITORIAL DISTRICT OF SUDBURY		
90.	Sudbury District Welfare Administration Board	Sudbury District Welfare Administration Board
TERRITORIAL DISTRICT OF THUNDER BAY		
91.	City of Thunder Bay	City of Thunder Bay
92.	Town of Geraldton	Town of Geraldton

93.	Town of Longlac	Town of Longlac
94.	Township of Beardmore	Township of Beardmore
95.	Township of Nakina	Township of Nakina
96.	Town of Marathon	Town of Marathon
97.	Township of Conmee	Township of Conmee
98.	Township of Dorion	Township of Dorion
99.	Township of Gillies	Township of Gillies
100.	Township of Neebing	Township of Neebing
101.	Township of Nipigon	Township of Nipigon
102.	Township of O'Connor	Township of O'Connor
103.	Township of Oliver Paipoonge	Township of Oliver Paipoonge
104.	Township of Schreiber	Township of Schreiber
105.	Township of Terrace Bay	Township of Terrace Bay
106.	Township of Shuniah	Township of Shuniah
107.	Township of Manitouwadge	Township of Manitouwadge
108.	Township of Red Rock	Township of Red Rock
TERRITORIAL DISTRICT OF TIMISKAMING		
109.	Township of Armstrong	Township of Armstrong
110.	Township of Brethour	Township of Brethour
111.	Township of Casey	Township of Casey
112.	Township of Chamberlain	Township of Chamberlain
113.	Town of Charlton	Town of Charlton
114.	Town of Cobalt	Town of Cobalt
115.	Township of Coleman	Township of Coleman
116.	Town of Dack	Town of Dack
117.	Township of Dymond	Township of Dymond
118.	Town of Englehart	Town of Englehart
119.	Township of Evanturel	Township of Evanturel
120.	Township of Gauthier	Township of Gauthier
121.	Town of Haileybury	Town of Haileybury
122.	Town of Harley	Town of Harley
123.	Township of Harris	Township of Harris
124.	Township of Hilliard	Township of Hilliard
125.	Township of Hudson	Township of Hudson
126.	Township of James	Township of James
127.	Township of Kearns	Township of Kearns
128.	Town of Kirkland Lake	Town of Kirkland Lake
129.	Township of Larder Lake	Township of Larder Lake
130.	Town of Latchford	Town of Latchford
131.	Township of Matachewan	Township of Matachewan
132.	Township of McGarry	Township of McGarry
133.	Town of New Liskeard	Town of New Liskeard
134.	Village of Thornloe	Village of Thornloe

**Schedule 2**

1. Chippewas of the Rama Indian Reserve
2. Walpole Island
3. Ojibways of the Parry Island Indian Reserve
4. Six Nations of the Grand River Indian Reserve
5. Saugeen
6. Chippewas of Nawash
7. Mississaguas of the New Credit Indian Reserve
8. Moravians of the Thames Indian Reserve
9. Chippewas of the Georgina Island Indian Band
10. Mohawks of the Bay of Quinte Indian Band
11. Alderville
12. Curve Lake
13. Scugog
14. Hiawatha
15. Chippewas of the Sarnia Indian Band
16. Chippewas of the Kettle and Stoney Point Indian Band
17. Beausoleil
18. Ojibways of the Mississagua Indian Band
19. Ojibways of the Spanish River Band
20. Ojibways of the Whitefish Lake Indian Band
21. Ojibways of the Nipissing Indian Band
22. Ojibways of the Dokis Indian Band
23. Mohawks of the Gibson Indian Band
24. Ojibways of the Batchawana Indian Band
25. Ojibways of the Garden River Indian Band
26. Ojibways of the Sheshegwaning Indian Band
27. Ojibways of the Sheshegwaning Indian Band
28. Ojibways of the Sucker Creek Indian Band
29. Ojibways of the West Bay Indian Band
30. Ojibways of the Whitefish River Indian Band
31. Ojibways of the Fort William Indian Band
32. Ojibways of the Shoal Lake Indian Band No. 39
33. Ojibways of the Shoal Lake Indian Band No. 40
34. Ojibways of the Whitefish Bay (Sioux Narrows) Indian Band
35. Ojibways of the Couchiching (Fort Frances) Indian Band
36. Ojibways of the Shawanaga Indian Band
37. Ojibways of the Serpent River Indian Band
38. Ojibways of the Henvey Inlet Indian Band
39. Ojibways of the Manitou Rapids Rainy River Band
40. Golden Lake Band
41. Oneidas of the Thames
42. Wikwemikong Band
43. Munceys of the Thames
44. Chippewas of the Thames
45. Moose Deer Point
46. Moose Factory Band
47. Wabigoon Band
48. Constance Lake Band
49. Islington Band
50. Eagle Lake Band
51. Ojibways of Onegaming
52. Fort Hope Band
53. Grassy Narrows Band
54. Rocky Bay Band
55. Nicickousemenecaning Band
56. Naicatchewenin Band
57. Lac La Croix Band
58. Osnaburgh Band
59. Martin Falls Band
60. Big Island Band
61. Northwest Angle #33 Band
62. Long Lake #77 Band
63. Long Lake #58 Band
64. Northwest Angle #37 Band
65. Cat Lake Band
66. Brunswick House Band
67. Pic Heron Bay Band
68. Mattagami Band

- 69. Seine River Band
- 70. Caribou Lake Band
- 71. Pikangikum Band
- 72. Big Grassy Band
- 73. Matachewan Band
- 74. Chapleau Ojibway Band
- 75. Attawapiskat Band
- 76. Sandy Lake Band
- 77. Kingfisher Lake Band
- 78. Wunnumin Lake Band
- 79. Temagami Lake Band
- 80. Kasabonika Lake Band
- 81. Bearskin Lake Band
- 82. Magnetawan
- 83. Muskrat Dam Band
- 84. Thessalon Band
- 85. Wapekeka Band
- 86. Michipicoten Band
- 87. Rat Portage Band
- 88. Washagamis Bay Band
- 89. Lac Seul Band
- 90. Fort Albany Band
- 91. Fort Severn
- 92. Stangecoming
- 93. Dalles
- 94. Wabauskang
- 95. Pic Mobert Band
- 96. Sachigo Lake Band
- 97. Deer Lake Band
- 98. North Spirit Lake Band
- 99. Gull Bay Band
- 100. Wahgoshig Band
- 101. Pays Plat Band
- 102. Kashechewan Band

- 103. Poplar Hill Band
- 104. Red Rock Band
- 105. Anishinabek of Cockburn Island First Nation
- 106. Whitesand First Nation
- 107. Keewaywin First Nation

JANET ECKER  
*Minister of Community and Social Services*

Dated on March 24, 1998.

15/98

**ONTARIO REGULATION 137/98**  
made under the  
**SOCIAL ASSISTANCE REFORM ACT, 1997**

Made: March 25, 1998  
Filed: March 27, 1998

**TRANSITION FROM GENERAL WELFARE  
ASSISTANCE AND FAMILY BENEFITS  
TO ONTARIO WORKS**

1. In this Regulation,

"administrator" means an administrator under the *Ontario Works Act, 1997*;

"board" means the Social Assistance Review Board;

"geographic area" means a geographic area designated by the Minister of Community and Social Services under the *Ontario Works Act, 1997*;

"welfare administrator" means a welfare administrator under the *General Welfare Assistance Act*.

**TRANSFERS FROM GENERAL WELFARE ASSISTANCE**

2. (1) Every person who was a recipient of general assistance under the *General Welfare Assistance Act* on April 30, 1998 shall be deemed to have applied for and been granted income assistance under the *Ontario Works Act, 1997* on May 1, 1998.

(2) On May 1, 1998,

(a) the information previously recorded under the *General Welfare Assistance Act* with respect to recipients and dependants under that Act shall be deemed to be information provided under the *Ontario Works Act, 1997* and shall be used in determining eligibility under the *Ontario Works Act, 1997*; and

(b) a determination, notice or decision previously made under the *General Welfare Assistance Act* with respect to recipients and dependants under that Act shall be deemed to be a determination, notice or decision under the *Ontario Works Act, 1997*.

(3) A determination, notice or decision made under the *Ontario Works Act, 1997* shall be dealt with and finally determined in accordance with the *General Welfare Assistance Act* and the regulations under it, as they read on April 30, 1998 if,

(a) it is made with respect to a matter that applies to a period before May 1, 1998; and

- (b) it relates to a person who was an applicant or recipient under the *General Welfare Assistance Act*.

3. Despite the repeal of the *General Welfare Assistance Act*, sections 18 and 19 of Regulation 537 of the Revised Regulations of Ontario, 1990 made under that Act continue to apply with respect to an item or service provided to a person during the month of April, 1998 if,

- (a) that item or service is provided on a monthly basis; and
- (b) the person continues to require that item or service.

4. Sections 5 and 6 apply with respect to every person who is deemed under subsection 2 (1) to be a recipient of assistance under the *Ontario Works Act, 1997*.

5. (1) In this section,

"statutory change in eligibility", with respect to a recipient under the *Ontario Works Act, 1997*, means a change with respect to the recipient's eligibility for assistance, the conditions of continuing eligibility for assistance or the amount of assistance that the recipient is to receive if that change results from differences between the way those matters were treated under the *General Welfare Assistance Act* on April 30, 1998 and the way they are treated under the *Ontario Works Act, 1997* on May 1, 1998.

(2) If a determination of the administrator is not required for a statutory change in eligibility to take effect, the change shall take effect for all recipients on May 1, 1998.

(3) If a determination of the administrator is required for a statutory change in eligibility to take effect, the following rules apply:

1. The administrator shall, by December 31, 1998,

- i. review and update the information recorded with respect to each recipient affected by the change, and
- ii. make the determination required for the statutory change in eligibility to take effect.

2. The statutory change in eligibility shall take effect with respect to a recipient on the day the administrator makes the determination with respect to that recipient.

(4) Despite subsection 10 (3) and section 11 of the *General Welfare Assistance Act*, as they read on April 30, 1998, and despite sections 16 to 19 of this Regulation, a recipient has no right to make submissions to the administrator and is not entitled to a hearing by the board or an appeal to the Divisional Court with respect to,

- (a) a variation in the amount of assistance that the recipient is entitled to receive as a result of a statutory change in eligibility; or
- (b) the date on which a statutory change in eligibility takes effect with respect to the recipient.

(5) If an entitlement change under section 2 of Ontario Regulation 116/98 is one to which subsection 2 (3) of that Regulation applies and the welfare administrator has not made the determination referred to in that subsection by April 30, 1998, subsections (3) and (4) of this section apply to the change with necessary modifications.

6. If a person was benefitting from the application of one of the following provisions of Regulation 537 of the Revised Regulations of Ontario, 1990 in April of 1998, those provisions shall continue to apply to the person after the transfer under subsection 2 (1) so long as the per-

son remains otherwise eligible for income assistance under the *Ontario Works Act, 1997*:

- 1. Paragraph 5, 6 or 11 of subsection 13 (4).
- 2. Section 14.
- 3. Paragraph 20 of subsection 15 (2).
- 4. Subsection 15 (7.3).
- 5. Subsection 31 (4).

7. Every person who was an applicant under the *General Welfare Assistance Act* on April 30, 1998 in a geographic area designated under the *Ontario Works Act, 1997* and whose application was not yet determined on that date shall be deemed to be an applicant under the *Ontario Works Act, 1997* in the same geographic area on May 1, 1998.

8. (1) If a person is deemed under subsection 2 (1) to be a recipient of assistance under the *Ontario Works Act, 1997* and the value of the liquid assets that the person was entitled to on April 30, 1998 in a municipality under the *General Welfare Assistance Act* is an amount greater than the prescribed limit for assets under the *Ontario Works Act, 1997* in effect on May 1, 1998, the prescribed limit for assets for persons in the corresponding geographic area under the *Ontario Works Act, 1997* shall be deemed to be that greater amount.

(2) Subsection (1) continues to apply with respect to a recipient under the *Ontario Works Act, 1997* until the earlier of,

- (a) April 30, 1999; and
- (b) the date a person ceases to be a recipient in the municipality referred to in subsection (1).

9. (1) This section applies with respect to every person who,

- (a) was a recipient under the *General Welfare Assistance Act* on April 30, 1998;
- (b) was eligible as a recipient under that Act only under subsection 12 (3) of Regulation 537 of the Revised Regulations of Ontario, 1990; and
- (c) is transferred to the *Ontario Works Act, 1997* under subsection 2 (1) of this Regulation.

(2) A person described in subsection (1) is eligible for the benefits set out in subparagraph i of paragraph 1 of subsection 55 (1) of Ontario Regulation 134/98 for any month in which,

- (a) the person is not entitled to income assistance under the *Ontario Works Act, 1997* because his or her income exceeds his or her budgetary requirements;
- (b) the person's income is less than the sum of the person's budgetary requirements, as determined under Regulation 537 of the Revised Regulations of Ontario, 1990 as it read on April 30, 1998 and the value of any benefits the person would have received under section 22 of that Regulation if the person were still a recipient under the *General Welfare Assistance Act*; and
- (c) the person would otherwise have been entitled to general assistance under the *General Welfare Assistance Act*.

(3) This section ceases to apply with respect to a person if the person becomes ineligible for assistance under this section.



## TRANSFERS FROM FAMILY BENEFITS

10. (1) This section applies with respect to every person who, on April 30, 1998, was a recipient under the *Family Benefits Act* because the person was,

- (a) eligible for benefits under clause 7 (1) (d) of that Act or under subsection 2 (7) of Regulation 366 of the Revised Regulations of Ontario, 1990 and who, at that time, was not otherwise eligible for benefits under that Act; or
- (b) a foster parent with a foster child.

(2) The Director under the *Family Benefits Act* shall transfer the responsibility for providing benefits to recipients described in subsection (1) to the administrator in the appropriate geographic area under the *Ontario Works Act, 1997*.

(3) The Director shall notify a recipient who is to be transferred under this section of the date on which the transfer takes effect.

(4) Upon a transfer under subsection (2),

- (a) the recipient shall be deemed to have applied for and to be a recipient of income assistance in the appropriate geographic area under the *Ontario Works Act, 1997*;
- (b) the information previously recorded under the *Family Benefits Act* with respect to a recipient and his or her dependants under that Act shall be deemed to be information provided under the *Ontario Works Act, 1997* and shall be used in determining eligibility under it;
- (c) the recipient shall be deemed to be no longer eligible for benefits under the *Family Benefits Act*;
- (d) any determination, notice or decision previously made under the *Family Benefits Act* with respect to the recipient and his or her dependants under that Act shall be deemed to be a determination, notice or decision under the *Ontario Works Act, 1997*; and
- (e) the benefits provided under the *Family Benefits Act* to or on behalf of the recipient for the month before the transfer shall be deemed to be assistance provided under the *Ontario Works Act, 1997* on the first day of the month of transfer.

(5) A determination, notice or decision made under the *Ontario Works Act, 1997* shall be dealt with and finally determined in accordance with the *Family Benefits Act* and the regulations under it, as they read on the day before the day of transfer, if,

- (a) it is made with respect to a matter that applies to a period before the transfer; and
- (b) it relates to a person who was an applicant or recipient under the *Family Benefits Act*.

(6) In subsection (7),

"statutory change in eligibility", with respect to a recipient under the *Ontario Works Act, 1997*, means a change with respect to the recipient's eligibility for assistance, the conditions of continuing eligibility for assistance or the amount of assistance that the recipient is to receive if that change results from differences between the way those matters were treated under the *Family Benefits Act* on the day before the day of the transfer and the way they are treated under the *Ontario Works Act, 1997* on the day of the transfer.

(7) If a determination of the administrator is not required for a statutory change in eligibility to take effect, the change shall take effect for a recipient on the day his or her transfer takes effect.

(8) If a determination of the administrator is required for a statutory change in eligibility to take effect, the following rules apply:

- 1. The administrator shall, within four months after the day of a transfer of responsibility for a recipient,
  - i. review and update the information recorded with respect to the recipient affected by the change, and
  - ii. make the determination required with respect to the statutory change in eligibility.
- 2. The statutory change in eligibility shall take effect with respect to a recipient on the day the administrator makes the determination with respect to that recipient.

(9) Despite sections 13, 14 and 15 of the *Family Benefits Act* and sections 16 to 19 of this Regulation, a recipient has no right to make representations to the Director under the *Family Benefits Act* and is not entitled to a hearing by the board or an appeal to the Divisional Court with respect to,

- (a) the date on which the Director transfers to the administrator responsibility for providing the recipient with assistance;
- (b) the recipient's ineligibility for benefits under the *Family Benefits Act* as a result of the transfer; or
- (c) a variation in the assistance that the recipient is entitled to receive as a result of a statutory change in eligibility or the application of clause (4) (e).

(10) If an entitlement change under section 1 of Ontario Regulation 116/98 is one to which subsection 1 (3) of that Regulation applies and the Director has not made the determination referred to in that subsection by the day of the transfer, subsections (8) and (9) of this section apply to the change with necessary modifications.

11. If a person was benefitting from the application of one of the following provisions of Regulation 366 of the Revised Regulations of Ontario, 1990 in the month before responsibility for the person is transferred under section 10, that provision shall continue to apply to the person after the transfer so long as the person remains otherwise eligible for income assistance under the *Ontario Works Act, 1997*:

- 1. Paragraph 5 of subsection 12 (5).
- 2. Subsection 13 (4).
- 3. Subsection 13 (8.3).
- 4. Subsection 41 (3).

12. (1) The rule set out in subsection (2) applies with respect to every person who becomes a recipient of income assistance under the *Ontario Works Act, 1997* as a result of a transfer under section 10.

(2) The prescribed limit for assets shall be an amount equal to the value of the liquid assets that persons referred to in subsection (1) were entitled to under the *Family Benefits Act* on April 30, 1998.

(3) Subsection (2) continues to apply with respect to a person until the earlier of,

- (a) the day that is 12 months after the person's transfer takes effect; and



- (b) the day the person ceases to be a recipient under the *Ontario Works Act, 1997*.

13. (1) This section applies with respect to every person who is transferred to the *Ontario Works Act, 1997* under section 10 if, on the day before the transfer, the amount of the person's allowance under the *Family Benefits Act* was calculated under subsection 15 (6) of Regulation 366 of the Revised Regulations of Ontario, 1990.

(2) A person described in subsection (1) is eligible for the benefits set out in subparagraph i of paragraph 1 of subsection 55 (1) of Ontario Regulation 134/98 for any month in which,

- (a) the person is not entitled to income assistance under the *Ontario Works Act, 1997* because his or her income exceeds his or her budgetary requirements;
- (b) the person's income is less than the sum of the person's budgetary requirements as determined under Regulation 366 of the Revised Regulations of Ontario, 1990 as it read on the day before the transfer and the value of any benefits the person would have received under section 24 of that Regulation if the person were still a recipient under the *Family Benefits Act*; and
- (c) the person would otherwise have been eligible for an allowance under the *Family Benefits Act*.

(3) This section ceases to apply with respect to a person if the person becomes ineligible for assistance under this section.

#### REVIEWS AND APPEALS

14. A reference to the Tribunal in the *Ontario Works Act, 1997* shall be deemed to be a reference to the board.

15. (1) Sections 16 to 19 apply with respect to any decision that may be appealed under section 26 of the *Ontario Works Act, 1997*.

(2) Sections 16 to 19 also apply with necessary modifications for the purpose of continuing and finally disposing of a matter with respect to a person if,

- (a) a transfer has occurred under section 2 or 10;
- (b) before the transfer, a notice of proposal was given under section 13 of the *Family Benefits Act* or under section 17.1 of Regulation 537 of the Revised Regulations of Ontario, 1990; and
- (c) the matter that was the subject of the notice of proposal has not been finally determined.

16. (1) The administrator shall not refuse an application for income assistance or suspend or cancel income assistance until more than 10 days have elapsed after the administrator has given notice of a proposal to do so, together with his or her reasons, to the applicant or recipient.

(2) A notice under subsection (1) shall inform the applicant or recipient that he or she may, within 10 days after receipt of the notice, file with the administrator written representations against the proposed action.

(3) The administrator may carry out the proposed action, and shall give notice of his or her decision, together with the reasons for it, to the applicant or recipient if the applicant or recipient,

- (a) does not file representations with the administrator within 10 days after receipt of a notice under subsection (1); or
- (b) has filed representations and the administrator has given consideration to them.

(4) If the administrator varies the amount of income assistance or the benefits under section 55 of Ontario Regulation 134/98, the administrator shall give notice of the variation, together with his or her reasons, to the recipient.

(5) A notice under subsection (3) or (4) shall inform the applicant or recipient that he or she is entitled to a hearing by the board if he or she delivers or mails to the chair of the board a request for a review in a form approved by the Director under the *Ontario Works Act, 1997* within 30 days after receipt of the notice, and an applicant or recipient who mails or delivers such a request is entitled to a hearing by the board.

(6) The board may extend the time for requesting a hearing, either before or after the time for notice expires, if it is satisfied there are apparent grounds for claiming relief through a hearing or for appeal and that there are reasonable grounds for applying for the extension.

(7) A notice by the administrator under this section may be given by delivering it personally or by sending it by prepaid mail addressed to the applicant or recipient at his or her address last known to the administrator and, if notice is sent by mail, the notice shall be presumed to have been received on the third day after the day of mailing unless the person to whom notice is given did not, acting in good faith, through absence, accident, illness or other cause beyond his or her control, receive the notice until a later day.

(8) A decision of the administrator under this section shall be effective from the date fixed by the administrator and that date may be before or after the day of the making of the decision.

(9) The *Statutory Powers Procedure Act* does not apply to proceedings of the administrator under this section.

(10) This section does not apply to a refusal of an application for or cancellation of income assistance on the death of the applicant or recipient.

17. (1) If an applicant or recipient files a request for a hearing in accordance with section 16, the board shall fix a time for and hold a hearing to review the decision of the administrator and section 16 of the *Ministry of Community and Social Services Act* applies with necessary modifications to that hearing and review.

(2) If a request for a hearing in accordance with section 16 has been made and the board is satisfied that there may be financial hardship to the applicant or recipient during the period of time needed for the board to complete its review and make a decision, the board may, before holding the hearing, direct the administrator to provide from time to time such amount as the board considers necessary for the maintenance of the applicant or recipient and the members of his or her benefit unit until the board has completed its review and has given notice of its decision to the applicant or recipient, but that amount shall not exceed the maximum amount of income assistance under the *Ontario Works Act, 1997*, including the benefits under section 55 of Ontario Regulation 134/98.

(3) The *Statutory Powers Procedure Act* does not apply to proceedings of the board under subsection (2).

(4) The administrator, the applicant or recipient who requested the hearing and such other persons as the board may specify are parties to the proceedings before the board.

(5) The Director under the *Ontario Works Act, 1997* is entitled to be heard by counsel or otherwise in proceedings before the Board.

(6) The administrator may make his or her submissions at a hearing of the board in writing, but the applicant or recipient who is a party to the hearing shall be afforded an opportunity to examine before the hearing any such submission or any written or documentary evidence that the administrator proposes will be produced or any report the contents of which the administrator proposes will be given in evidence at the hearing.

(7) If, after a hearing, the board has reviewed the decision of the administrator, the board may,

- (a) affirm the decision;
  - (b) rescind the decision and direct the administrator to make any other decision that the administrator is authorized to make under the *Ontario Works Act, 1997* and as the board considers proper, and for the purpose the board may substitute its opinion for the opinion of the administrator; or
  - (c) refer the matter back to the administrator for reconsideration in accordance with the directions the board considers proper.
- (8) The administrator shall give effect to any directions given by the board under this section.

18. (1) Any party to the proceedings before the board under section 17, including the Director under the *Ontario Works Act, 1997*, may appeal from the decision of the board to the Divisional Court on a question that is not a question of fact alone in accordance with the rules of court.

(2) If a party appeals from a decision of the board, the board shall forthwith file with the Ontario Court (General Division) the record of the proceedings before it in which the decision was made which, together with the transcript of the evidence, if any, before the board, if it is not part of the board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under this section.

(4) On an appeal under this section, the court may affirm the decision of the board or may rescind it and refer the matter back to the board or to the administrator to be disposed of in accordance with the directions the court considers proper and the board or the administrator shall give effect to any direction given by the court under this section.

19. Although an applicant or recipient has requested a hearing by the board under section 17, or has appealed from a decision of the board under section 18, the decision of the administrator or of the board, as the case may be, is effective until the decision of the board is made after the hearing or the decision of the court is made on the appeal, as the case may be.

#### TRANSITIONAL ISSUES WITH ONTARIO REGULATION 134/98

20. (1) A reference to assistance in clause 33 (2) (a) or clause 33 (3) (a) of Ontario Regulation 134/98 shall be deemed to include a reference to general assistance under the *General Welfare Assistance Act* and a reference in either of those clauses to a specific provision under that Regulation shall be deemed to include a reference to the corresponding provision under the *General Welfare Assistance Act*.

(2) A reference in subparagraph i of paragraph 4 of subsection 49 (1) of Ontario Regulation 134/98 to income assistance shall be deemed to include a reference to general assistance under the *General Welfare Assistance Act*.

(3) For the purposes of subparagraph iv of paragraph 4 of subsection 55 (1) of Ontario Regulation 134/98, a reference to a payment under that paragraph shall be deemed to include a reference to a payment under subsection 16 (1) of Regulation 537 of the Revised Regulations of Ontario, 1990, made under the *General Welfare Assistance Act*.

(4) No payment shall be made under paragraph 6 or 7 of subsection 55 (1) of Ontario Regulation 134/98 if another payment for the same purpose was made under the *Family Benefits Act* or the *General Welfare Assistance Act* within the previous 12 months.

#### WELFARE ADMINISTRATORS

21. If a municipality, county, district welfare administration board or band is designated as a delivery agent under Ontario Regulation 136/98 and that municipality, county, district welfare administration board or band had appointed a welfare administrator who was in office on April 30, 1998, that welfare administrator shall be deemed to be the administrator for that delivery agent under section 43 of the *Ontario Works Act, 1997* on and after May 1, 1998.

#### COST SHARING FOR MUNICIPALITIES AND DISTRICT WELFARE ADMINISTRATION BOARDS

22. In sections 23 to 26,

"delivery agent" means,

- (a) on and after January 1, 1998 and until April 30, 1998,
  - (i) a municipality that has, with the approval of the Minister, appointed a welfare administrator under the *General Welfare Assistance Act*, or
  - (ii) a district welfare administration board under the *District Welfare Administration Boards Act*,
- (b) on and after May 1, 1998, a delivery agent under the *Ontario Works Act, 1997* other than a band designated under section 2 of Ontario Regulation 136/98;

"Greater Toronto Area" means the geographic area that lies within the jurisdiction of The Regional Municipality of Durham, The Regional Municipality of Halton, The Regional Municipality of Peel, the City of Toronto and The Regional Municipality of York.

23. (1) In this section,

"assistance" means,

- (a) an amount provided under subsection 14 (2) of the *Family Benefits Act*, or
- (b) a benefit provided under the *Family Benefits Act* other than,
  - (i) an amount paid to a recipient eligible for an allowance under subsection 2 (6) of the FBA regulation,
  - (ii) an amount paid under subsection 12 (12) of the FBA regulation, or
  - (iii) an amount paid to a person under section 32 or 38 of the FBA regulation;

"cost of administration" means the administrative costs, including the costs of staff training, incurred or payable by Ontario with respect to the provision of assistance under the *Family Benefits Act*;

"FBA regulation" means Regulation 366 of the Revised Regulations of Ontario, 1990, made under the *Family Benefits Act*;

"geographic area" means,

- (a) in the Greater Toronto Area, the Greater Toronto Area, and
- (b) otherwise, the area in which a delivery agent is responsible for delivering assistance under the *General Welfare Assistance Act* or the *Ontario Works Act, 1997*, as the case may be.

(2) The amount payable to Ontario by a delivery agent that is not in the Greater Toronto Area shall be equal to the sum of,

- (a) 20 per cent of the cost of assistance provided by or on behalf of Ontario to persons who reside within the delivery agent's geographic area; and
- (b) if the delivery agent employs a full-time welfare administrator or administrator, as the case may be, 50 per cent of the reasonable cost of administration attributable to the delivery agent's geographic area.

(3) The amount payable to Ontario by a delivery agent within the Greater Toronto Area shall be calculated as follows:

1. Determine 20 per cent of the cost of assistance provided by or on behalf of Ontario to persons who reside within the Greater Toronto Area.
2. Add to that amount 50 per cent of the reasonable cost of administration attributable to the Greater Toronto Area.
3. Apportion the amount determined under paragraph 2 among the delivery agents by multiplying that amount by the percentage attributable to each delivery agent, as set out in the following Table:

TABLE

DELIVERY AGENT	PERCENTAGE OF TOTAL
Regional Municipality of Durham	7.1194 per cent
Regional Municipality of Halton	7.2916 per cent
Regional Municipality of Peel	18.4278 per cent
City of Toronto	52.2424 per cent
Regional Municipality of York	14.9188 per cent

24. (1) In this section, "applicant", "assistance", "municipality", "recipient" and "welfare administrator" have the same meaning as in Regulation 537 of the Revised Regulations of Ontario, 1990, made under the *General Welfare Assistance Act*.

(2) Despite any provision under the *General Welfare Assistance Act*, where an applicant or recipient during any part of the period of 12 consecutive months immediately preceding his or her application for assistance has resided in Ontario on a reserve for which a welfare administrator has been appointed under section 15 of that Act, the municipality that provides assistance in accordance with Regulation 537 of the Revised Regulations of Ontario, 1990 shall be entitled to reimbursement by the Province of Ontario for the full amount expended for such assistance until such time as the applicant or recipient has resided for a period of 12 consecutive months in a municipality in Ontario.

25. (1) In this section,

"assistance costs" means the sum of,

- (a) the cost of any class of assistance provided under the *General Welfare Assistance Act* except assistance for which reimbursement is paid under section 24 of this Regulation, and
- (b) the cost of maintenance ordered by the board under subsection 11 (4) of the *General Welfare Assistance Act*;

"Director" means the Director under the *General Welfare Assistance Act*.

(2) The subsidy payable to a delivery agent that is not in the Greater Toronto Area shall be equal to the sum of,

- (a) 80 per cent of the assistance costs incurred by the delivery agent;
- (b) if the delivery agent employs a full-time welfare administrator, 50 per cent of the delivery agent's reasonable cost of administration, as approved by the Director; and
- (c) 50 per cent of the delivery agent's reasonable cost of staff training, as approved by the Director.

(3) The subsidy payable by Ontario to a delivery agent in the Greater Toronto Area shall be calculated as follows:

1. For each delivery agent, determine the total of the assistance costs incurred by that delivery agent and the reasonable cost of administration and staff training, as approved by the Director and incurred by that delivery agent.
2. For each delivery agent, determine the sum of 20 per cent of the assistance costs incurred by that delivery agent and 50 per cent of the reasonable cost of administration and staff training, as approved by the Director and incurred by that delivery agent.
3. For the Greater Toronto Area, calculate the sum of the amounts determined under paragraph 2.
4. Apportion among the delivery agents their share of the amount determined under paragraph 3 by multiplying that amount by the percentage of the total attributable to each delivery agent, as set out in the Table to this section.
5. For each delivery agent, subtract from the amount determined under paragraph 1 the amount determined under paragraph 4.

TABLE

DELIVERY AGENT	PERCENTAGE OF TOTAL
Regional Municipality of Durham	7.1194 per cent
Regional Municipality of Halton	7.2916 per cent
Regional Municipality of Peel	18.4278 per cent
City of Toronto	52.2424 per cent
Regional Municipality of York	14.9188 per cent

(4) Subsections (1) to (3) apply only with respect to the period from January 1, 1998 to April 30, 1998.

26. The Minister of Community and Social Services may deduct from a subsidy payable by Ontario to a delivery agent under section 25 an amount equal to the sum of,

- (a) the amount the delivery agent is required to pay to Ontario under section 23; and
- (b) the amount the delivery agent is required to pay to Ontario under Regulation 262 of the Revised Regulations of Ontario, 1990, made under the *Day Nurseries Act*.

#### REFERENCES IN ONTARIO WORKS ACT, 1997

27. (1) Until section 1 (2) of Schedule C to the *Social Assistance Reform Act, 1997* is proclaimed in force, a reference in the *Ontario Works Act, 1997* to a district social services administration board established under the *District Social Services Administration Boards Act* shall be deemed to be a reference to a district welfare administration board established under the *District Welfare Administration Boards Act*.

(2) A reference to the *Ontario Works Act, 1997* in the definition of "social assistance" in subsection 1 (1) of Ontario Regulation 134/98

shall be deemed to include a reference to assistance under the *General Welfare Assistance Act*.

(3) The reference to the *Ontario Disability Support Program Act, 1997* in clause 10 (c) of the *Ontario Works Act, 1997* shall be deemed to include a reference to the *Family Benefits Act*.

(4) The reference to the Director under the *Ontario Disability Support Program Act, 1997* in the third and fourth lines of section 73 of the *Ontario Works Act, 1997* shall be deemed to include a reference to the Director under the *Family Benefits Act*.

(5) The reference to the cost of interim assistance in clause (b) of the definition of "assistance costs" in section 1 of Ontario Regulation 135/98 shall be deemed to include a reference to an amount for maintenance paid under subsection 17 (2) of this Regulation.

28. For the purposes of subsection 11 (1) of Schedule D of the *Social Assistance Reform Act, 1997*, the prescribed date is May 1, 1998.

29. (1) Section 24.1 of Regulation 537 of the Revised Regulations of Ontario, 1990 is revoked.

(2) Regulations 536, 537 and 538 of the Revised Regulations of Ontario, 1990 are revoked.

30. (1) Subject to subsection (2), this Regulation comes into force on May 1, 1998.

(2) Sections 22 to 26 and subsection 29 (1) shall be deemed to have come into force on January 1, 1998.

15/98

# ONTARIO REGULATION 138/98 made under the FAMILY BENEFITS ACT

Made: March 25, 1998  
Filed: March 27, 1998

Amending Reg. 366 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 366 has been amended by Ontario Regulations 485/97 and 114/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Clause 5 (c) of Regulation 366 of the Revised Regulations of Ontario, 1990 is amended by striking out "general assistance under the *General Welfare Assistance Act*" in the second and third lines and substituting "income assistance under the *Ontario Works Act, 1997*".

(2) Subclause 5 (c) (ii) of the Regulation is revoked and the following substituted:

- (ii) a recipient of income assistance under the *Ontario Works Act, 1997* with respect to a person who is not included as a beneficiary for the purpose of calculating the amount of allowance to which the person is entitled;

2. (1) Paragraph 5 of subsection 12 (5) of the Regulation is revoked.

(2) Paragraph 6 of subsection 12 (5) of the Regulation is revoked and the following substituted:

6. Where a legally qualified medical practitioner certifies that a beneficiary requires a special diet and signs a statement setting out in detail the special diet required, a special diet allowance that is the lesser of,

- i. the additional cost required to provide the special diet, and
- ii. \$250.

(3) Subparagraph i of paragraph 12 of subsection 12 (5) of the Regulation is amended by striking out "5, 6 and 10, and" at the end and substituting "6 and 10 and section 42, and".

(4) Clause 12 (20) (c) of the Regulation is amended by striking out "general assistance under the *General Welfare Assistance Act*" where it occurs and substituting "income assistance under the *Ontario Works Act, 1997*".

(5) Clause 12 (21) (a) of the Regulation is revoked and the following substituted:

- (a) any amount determined under section 42;

(6) Paragraph 3 of subsection 12 (22) of the Regulation is revoked.

3. (1) Subparagraphs i, ii and iii of paragraph 18 of subsection 13 (2) of the Regulation are revoked and the following substituted:

- i. a recipient of an allowance under the *Family Benefits Act* or of income assistance under the *Ontario Works Act, 1997*, who is in full-time attendance at an educational institution or is on vacation from the institution, or is in a course of training approved by the Director under the *Family Benefits Act* or the administrator under the *Ontario Works Act, 1997*, as the case may be,
- ii. a dependent child of a recipient under the *Family Benefits Act* or a dependant other than a spouse under the *Ontario Works Act, 1997*, or
- iii. a person whose budgetary requirements are determined under subsection 12 (22) or under subsection 44 (3) of Ontario Regulation 134/98 made under the *Ontario Works Act, 1997*.

(2) Paragraph 24 of subsection 13 (2) of the Regulation is revoked.

(3) Subsection 13 (3) of the Regulation is revoked.

(4) Subsection 13 (15) of the Regulation is amended by striking out "general assistance under the *General Welfare Assistance Act*" in the fourth and fifth lines and substituting "income assistance under the *Ontario Works Act, 1997*".

4. Subsection 19 (2) of the Regulation is amended by adding at the end "or income assistance under the *Ontario Works Act, 1997*".

5. (1) Clauses 24 (1) (b) and (c) of the Regulation are revoked.

(2) Subsection 24 (3) of the Regulation is revoked.

6. Section 42 of the Regulation is revoked and the following substituted:

42. Despite the revocation of paragraph 5 of subsection 12 (5) and paragraph 3 of subsection 12 (22), if the budgetary requirements of a person for the month of April, 1998 included an amount determined under those provisions, the budgetary requirements of that person for the month of May, 1998 and any subsequent month shall include an amount determined under those provisions, as they read on April 30, 1998, until the earlier of the following days:

1. The day the person ceases to be eligible for the amount in accordance with those provisions, as they read on April 30, 1998; or

2. The day the person ceases to be otherwise eligible under the Act.

7. This Regulation comes into force on May 1, 1998.

15/98

**ONTARIO REGULATION 139/98**  
made under the  
**DAY NURSERIES ACT**

Made: March 25, 1998  
Filed: March 27, 1998

Amending Reg. 262 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 262 has been amended by Ontario Regulations 112/97 and 482/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) The definition of "person in need" in section 1 of Regulation 262 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"person in need" means,

- (a) a person eligible for an allowance under the *Family Benefits Act*,
- (b) a person eligible for income assistance under the *Ontario Works Act, 1997*, or
- (c) a person who by reason of financial hardship, inability to obtain regular employment, lack of the principal family provider, illness, disability or old age, has available daily income, taking into account the liquid assets of the person, that is less than the daily cost of providing day nursery services or providing private-home day care, as the case may be, to the person's child or children, as determined in accordance with Form 1 by an Ontario Works administrator, a Director or a person approved by a Director; ("personne dans le besoin")

(2) The definition of "welfare administrator" in section 1 of the Regulation is revoked and the following substituted:

"Ontario Works administrator" means an administrator appointed under the *Ontario Works Act, 1997*; ("administrateur du programme Ontario au travail")

2. Paragraph 9 of section 66.1 of the Regulation is revoked and the following substituted:

- 9. The provision of funding to participants in employment assistance activities under the *Ontario Works Act, 1997* for the care of a child less than 12 years of age or of a handicapped child less than 18 years of age, where the child care is provided to enable the participants to so participate.

3. Subsection 68 (4) of the Regulation is amended by striking out "a welfare administrator" in the second line and substituting "an Ontario Works administrator".

4. Section 68.2 of the Regulation is revoked and the following substituted:

**RÈGLEMENT DE L'ONTARIO 139/98**  
pris en application de la  
**LOI SUR LES GARDERIES**

pris le 25 mars 1998  
déposé le 27 mars 1998

modifiant le Règl. de l'Ont. 262 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 262 a été modifié par les Règlements de l'Ontario 112/97 et 482/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. (1) La définition de «personne dans le besoin» à l'article 1 du Règlement 262 des Règlements refondus de l'Ontario de 1990 est abrogée et remplacée par ce qui suit :

«personne dans le besoin» S'entend :

- a) d'une personne admissible à une allocation aux termes de la *Loi sur les prestations familiales*;
- b) d'une personne admissible à l'aide au revenu aux termes de la *Loi de 1997 sur le programme Ontario au travail*;
- c) d'une personne qui, en raison de difficultés financières, de son incapacité d'obtenir un emploi régulier, de l'absence du principal soutien de famille, de maladie, d'invalidité ou de vieillesse, a un revenu quotidien disponible qui, compte tenu des liquidités de la personne, est inférieur au coût quotidien de prestation de services de garderie ou de services de garde d'enfants en résidence privée, selon le cas, à l'enfant ou aux enfants de cette personne, selon les calculs effectués conformément à la formule 1 par un administrateur du programme Ontario au travail, un directeur ou une personne agréée par ce dernier. («person in need»)

(2) La définition de «administrateur de l'aide sociale» à l'article 1 du Règlement est abrogée et remplacée par ce qui suit :

«administrateur du programme Ontario au travail» Administrateur nommé aux termes de la *Loi de 1997 sur le programme Ontario au travail*. («Ontario Works administrator»)

2. La disposition 9 de l'article 66.1 du Règlement est abrogée et remplacée par ce qui suit :

- 9. La fourniture de fonds aux personnes qui participent à des activités liées à l'aide à l'emploi prévues par la *Loi de 1997 sur le programme Ontario au travail* relativement aux soins à fournir aux enfants de moins de 12 ans ou aux enfants handicapés de moins de 18 ans, lorsque les soins sont fournis pour permettre à ces personnes de participer à un tel programme.

3. Le paragraphe 68 (4) du Règlement est modifié par substitution de «un administrateur du programme Ontario au travail» à «un administrateur de l'aide sociale» aux deuxième et troisième lignes.

4. L'article 68.2 du Règlement est abrogé et remplacé par ce qui suit :

**68.2 (1)** In this section,

"Ontario Works delivery agent" means a municipality or a prescribed board that is designated as a delivery agent under the *Ontario Works Act, 1997*.

(2) Every Ontario Works delivery agent shall pay to Ontario 20 per cent of the total cost to be paid for services, as set out in an agreement under section 7.2 of the Act with a municipality, a prescribed board or another person, if those services are prescribed under paragraph 1, 2 or 4 of section 66.1 of this Regulation and are provided in the geographic area under the *Ontario Works Act, 1997* with respect to which the Ontario Works delivery agent provides assistance under that Act.

(3) Every Ontario Works delivery agent shall pay to Ontario 20 per cent of the total cost to be paid for services other than wage subsidies, as set out in an agreement under section 7.2 of the Act with a municipality, a prescribed board or another person, if those services are prescribed under paragraph 3 of section 66.1 of this Regulation and are provided in the geographic area under the *Ontario Works Act, 1997* with respect to which the Ontario Works delivery agent provides assistance under that Act.

(4) Every Ontario Works delivery agent shall pay to Ontario 20 per cent of the total cost to be paid for wage subsidies and for provider enhancement grants, as set out in an agreement under section 7.2 of the Act with a municipality, a prescribed board or another person, if the wage subsidies or provider enhancement grants are part of a service prescribed under paragraph 3, 5, 6, 7 or 8 of section 66.1 of this Regulation and are provided in the geographic area under the *Ontario Works Act, 1997* with respect to which the Ontario Works delivery agent provides assistance under that Act.

**5. This Regulation comes into force on May 1, 1998.**

15/98

**ONTARIO REGULATION 140/98**  
made under the  
**VOCATIONAL REHABILITATION SERVICES ACT**

Made: March 25, 1998  
Filed: March 27, 1998

Amending Reg. 1095 of R.R.O. 1990  
(General)

Note: Regulation 1095 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 7 of Regulation 1095 of the Revised Regulations of Ontario, 1990 is revoked.**

**2. Subsection 8 (1) of the Regulation is amended by striking out "or" at the end of clause (e), by adding "or" at the end of clause (f) and by adding the following clause:**

(g) the person is applying for goods or services required while attending a program at an educational institution and persons may apply for financial assistance for that program under the Ontario Student Assistance Program.

**68.2 (1)** La définition qui suit s'applique au présent article.

«agent de prestation des services du programme Ontario au travail»  
Municipalité ou conseil prescrit désignés comme agent de prestation des services aux termes de la *Loi de 1997 sur le programme Ontario au travail*.

(2) Chaque agent de prestation des services du programme Ontario au travail verse à l'Ontario 20 pour cent de la totalité des frais à engager au titre des services qui sont énoncés dans une entente conclue en vertu de l'article 7.2 de la Loi avec une municipalité, un conseil prescrit ou une autre personne, lorsque ces services sont prescrits aux termes de la disposition 1, 2 ou 4 de l'article 66.1 du présent règlement et sont fournis dans la zone géographique prévue par la *Loi de 1997 sur le programme Ontario au travail* et à l'égard de laquelle l'agent de prestation des services du programme Ontario au travail fournit une aide aux termes de cette loi.

(3) Chaque agent de prestation des services du programme Ontario au travail verse à l'Ontario 20 pour cent de la totalité des frais à engager au titre des services, autres que les subventions salariales, qui sont énoncés dans une entente conclue en vertu de l'article 7.2 de la Loi avec une municipalité, un conseil prescrit ou une autre personne, lorsque ces services sont prescrits aux termes de la disposition 3 de l'article 66.1 du présent règlement et sont fournis dans la zone géographique prévue par la *Loi de 1997 sur le programme Ontario au travail* et à l'égard de laquelle l'agent de prestation des services du programme Ontario au travail fournit une aide aux termes de cette loi.

(4) Chaque agent de prestation des services du programme Ontario au travail verse à l'Ontario 20 pour cent de la totalité des frais à engager au titre des subventions salariales et des subventions d'aide aux fournisseurs qui sont énoncées dans une entente conclue en vertu de l'article 7.2 de la Loi avec une municipalité, un conseil prescrit ou une autre personne, lorsque celles-ci font partie d'un service prescrit aux termes de la disposition 3, 5, 6, 7 ou 8 de l'article 66.1 du présent règlement et sont fournies dans la zone géographique prévue par la *Loi de 1997 sur le programme Ontario au travail* et à l'égard de laquelle l'agent de prestation des services du programme Ontario au travail fournit une aide aux termes de cette loi.

**5. Le présent règlement entre en vigueur le 1<sup>er</sup> mai 1998.****3. This Regulation comes into force on May 1, 1998.**

15/98

**ONTARIO REGULATION 141/98**  
made under the  
**COMMODITY BOARDS AND MARKETING  
AGENCIES ACT**

Made: March 25, 1998  
Filed: March 27, 1998

Amending O. Reg. 69/98  
(Levies or Charges—Turkey (Over Quota))

Note: Ontario Regulation 69/98 has not previously been amended.

**1. Clause 2 (1) (c) of Ontario Regulation 69/98 is amended by striking out "marketing agency" in the second line and substituting "commodity board".**

15/98



**ONTARIO REGULATION 142/98**  
made under the  
**CONSERVATION AUTHORITIES ACT**

Made: February 27, 1998

Approved: March 25, 1998

Filed: March 27, 1998

Amending Reg. 149 of R.R.O. 1990  
(Fill, Construction and Alteration to Waterways—Grand River)

Note: Regulation 149 has not been amended in 1997. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 149 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedules:**

**Schedule 21**

**ERAMOSA RIVER AND BLUE SPRINGS CREEK**

That part of the watershed of the Grand River within the fill line as outlined on maps GR21-1 to GR21-69, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, and identified by the stamp of the Registrar of Regulations dated April 29, 1997, comprised of all the land and premises being in The Regional Municipality of Halton and The County of Wellington, more particularly described as follows:

**1. In the City of Guelph in the County of Wellington:**

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Eramosa Road and Speedvale Avenue, thence northeasterly along Speedvale Avenue to the point of intersection with the City of Guelph boundary, thence southeasterly along the City boundary to Stone Road, thence southeasterly across Stone Road along the City boundary to the southeast corner of the City, thence southwesterly along the City Boundary to Victoria Road, thence northwesterly along Victoria Road to Eramosa Road, thence northerly along Eramosa Road to the point of commencement.
- ii. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Wyndham Street and Howitt Street, thence northeasterly along Howitt Street to Margaret Street, thence easterly to Richardson Street, thence northeasterly along Richardson Street to Neeve Street, thence southeasterly along Neeve Street to York Road, thence northeasterly along York Road to Stevenson Street, thence northwesterly along Stevenson Street to Elizabeth Street, thence easterly along Elizabeth Street to Victoria Road North, thence southeasterly along Victoria Road to Arkel Road, thence southwesterly along Arkel Road to Gordon Street, thence northwesterly along Gordon Street to Wellington Street to Wyndham Street, thence southeasterly along Wyndham Street to the point of commencement.

**2. In the Township of Guelph in the County of Wellington:**

Concession	Lot
1 Division C	part of lot 10
2 Division C	parts of lots 9, 10, 11
3 Division C	parts of lots 7, 8, 9

**3. In the Township of Puslinch in the County of Wellington:**

Concession	Lot
9	parts of lots 1 to 4, both inclusive
10	parts of lots 1 to 4, both inclusive parts of lots 7 to 14, both inclusive
11	parts of lots 1 to 3, both inclusive parts of lots 8 to 10, both inclusive parts of lots 12 to 14, both inclusive

**4. In the Township of Eramosa in the County of Wellington:**

Concession	Lot
1	parts of lots 1, 3, 4 and 5
2	parts of lots 1 to 5, both inclusive
3	parts of lots 1 to 6, both inclusive
4	parts of lots 4 to 6, both inclusive
5	parts of lots 4 to 10, both inclusive
6	parts of lots 1 to 16, both inclusive
7	parts of lots 1 to 13, both inclusive part of lot 15

**5. In the Village of Rockwood in the Township of Eramosa:**

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the north angle being the north corner of the Village of Rockwood, thence southeasterly along the Village boundary across the Eramosa River and across Harris Street to the east corner of the Village, thence southeasterly along the Village boundary to Main Street or Highway number seven, thence northwesterly along Main Street to Jackson Street, thence northeasterly along Jackson Street to Princess Street, thence northwesterly along Princess Street to Christie Street, thence northeasterly along Christie Street to Landrex Boulevard, thence northwesterly along Landrex Boulevard to the Village boundary, thence northeasterly along the Village boundary to the point of commencement.
- ii. Part of the area enclosed by the following irregular boundaries commencing at the north angle being the intersection of Main Street and the Canadian National Railway right-of-way, thence southeasterly along Main Street to the east boundary of the Village, thence southwesterly along the Village boundary to the south corner of the Village, thence northwesterly along the Village boundary across the Eramosa River and across Highway number seven to the Canadian National Railway right-of-way, thence easterly along the centre line of the Railway right-of-way to the point of commencement.

**6. In the Township of Erin in the County of Wellington:**

Concession	Lot
1	parts of lots 1 to 14, both inclusive
2	parts of lots 1 to 17, both inclusive
3	parts of lots 2 to 19, both inclusive parts of lots 26 and 27

4	parts of lots 2 to 28, both inclusive
5	parts of lots 4 to 27, both inclusive
6	parts of lots 5 to 10, both inclusive
	parts of lots 12 to 21, both inclusive
	parts of lots 23 to 27, both inclusive
7	parts of lots 7 to 17, both inclusive
	parts of lots 24 and 25
8	parts of lots 9 to 16, both inclusive

7. In the Town of Milton in The Regional Municipality of Halton:

Concession	Lot
1	parts of lots 21 to 30, both inclusive part of lot 32
2	parts of lots 21 to 32, both inclusive
3	parts of lots 23 to 30, both inclusive
4	parts of lots 24 to 31, both inclusive
5	parts of lots 23 to 31, both inclusive
6	parts of lots 24 to 32, both inclusive
7	parts of lots 23 to 32, both inclusive

8. In the Town of Halton Hills in The Regional Municipality of Halton:

Concession	Lot
1	parts of lots 23 to 30 part of lot 32
2	parts of lots 26 and 27

**Schedule 22**

**ANCASTER VALLEY LANDS AND SOURCE AREAS**

That part of the Town of Ancaster in the Grand River Watershed within the fill line as outlined on maps GR22-1 to GR22-12, both inclusive, filed in the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, and identified by the stamp of the Registrar of Regulations dated April 29, 1997, comprised of all the land and premises being in the Town of Ancaster in The Regional Municipality of Hamilton-Wentworth more particularly described as follows:

1. In the Town of Ancaster:

Concession	Lot
1	parts of lots 1 to 30, both inclusive
2	parts of lots 3 to 34
3	parts of lots 12 to 14, both inclusive parts of lots 16 and 17 parts of lots 19 to 36, both inclusive
4	part of lot 16 part of lots 19 to 45, both inclusive

5	parts of lots 22 to 45, both inclusive
6	parts of lots 28 to 42, both inclusive
7	part of lots 35 to 44, both inclusive
8	part of lot 41

2. In the Town of Ancaster:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Shaver Road and Jerseyville Road, thence easterly along Jerseyville Road to Meadowbrook Avenue, thence southerly along Meadowbrook Avenue to Wilson Street, thence northeasterly to Amberly Boulevard, thence southeasterly and easterly along Amberly Boulevard to Green Side Road, thence southerly along Green Side Road to Highway number fifty three, thence westerly along Highway number fifty three to Shaver Road, thence northerly along Shaver Road to the point of commencement.

**Schedule 23**

**SCHNEIDER CREEK—UPPER STRASBURG CREEK BRANCH**

That part of the upper watershed of Strasburg Creek, a branch of Schneider Creek, within the fill line as outlined by a line on maps GR23-4, GR23-10 to GR23-12 and GR-18 to GR-20, both inclusive filed at the Regional Office of the Ministry of Natural Resources at Aurora, Ontario, and identified by the stamp of the Registrar of Regulations dated April 29, 1997, comprised of all the land and premises being in The Regional Municipality of Waterloo, more particularly described as follows:

1. In the City of Kitchener:

Those parts being composed of:

- i. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Westmount Road and Bleams Road, thence easterly along Bleams Road to Strasburg Road, thence southerly along Strasburg Road to Huron Road, thence southwesterly along Huron Road to Westmount Road, thence northerly along Westmount Road to the point of commencement.
- ii. Part of the area enclosed by the following irregular boundaries, commencing at the northwest angle being the intersection of Trussler Road and Bleams Road, thence easterly along Bleams Road to Westmount Road, thence southerly along Westmount Road to Huron Road, thence westerly along Huron Road to Trussler Road, thence northerly along Trussler Road to the point of commencement.

GRAND RIVER CONSERVATION AUTHORITY:

PETER KRAUSE  
Chair

KEITH MURCH  
Secretary-Treasurer

Dated on February 27, 1998.

15/98



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-04-18

## ONTARIO REGULATION 143/98 made under the MILK ACT

Made: March 25, 1998

Filed: March 30, 1998

### FEES—ADMINISTRATION AND ENFORCEMENT OF DELEGATED LEGISLATION

1. (1) Fees to be paid under subsections 88 (4) and (4.1) of Regulation 761 of the Revised Regulations of Ontario, 1990 for, respectively, a bulk tank milk grader's certificate and an apprentice bulk tank milk grader's certificate are payable to Dairy Farmers of Ontario.

(2) Dairy Farmers of Ontario may use the fees paid for such certificates to administer and enforce the provisions of Regulation 761 with respect to which it is the designated administrative authority.

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

D.W. TAYLOR  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on March 25, 1998.

16/98

## ONTARIO REGULATION 144/98 made under the PLANNING ACT

Made: March 30, 1998

Filed: March 31, 1998

Amending O. Reg. 279/80  
(Restricted Areas—District of Algoma,  
Sault Ste. Marie North Planning Area)

Note: Since January 1, 1997, Ontario Regulation 279/80 has been amended by Ontario Regulations 256/97, 284/97 and 365/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Ontario Regulation 279/80 is amended by adding the following section:

141. (1) Despite section 4, the land described in subsection (3) is, for the purposes of this Order, land in a General Commercial Zone.

(2) Despite section 36, the land described in subsection (3) may be used for camping vehicle storage, a church, a church hall, and uses ancillary to a church operation.

(3) Subsections (1) and (2) apply to that parcel of land in the geographic Township of Aweres in the Territorial District of Algoma being that part of the East Half of Section 32 more particularly described as:

PREMISING that the easterly limit of King's Highway No. 17 (T.C.) as established by D.H.O. Plan P-2438-21 has, where it abuts the land described herein, an assumed bearing of South 29 degrees 36 minutes 30 seconds East and relating all bearings herein thereto;

COMMENCING where a survey post has been planted in the easterly limit of King's Highway No. 17 (T.C.), the said post defining the southernmost angle of the herein-described parcel, and being distant the following courses from the southeastern angle of Section 32:

Beginning at the southeast angle of Section 32;

Thence North 0 degrees 53 minutes 40 seconds West along the east limit thereof a distance of 684.37 feet to its intersection with the west limit of the said Trans-Canada Highway;

Thence North 35 degrees 30 minutes West thereon 366.99 feet to a survey post planted at an angle therein;

Thence North 32 degrees 33 minutes 15 seconds West continuing along said limit of Trans-Canada Highway a further distance of 596.6 feet to a survey post planted at an angle therein;

Thence North 29 degrees 36 minutes 30 seconds West continuing along said limit of Trans-Canada Highway a further distance of 901.79 feet to a survey post planted therein;

Thence North 60 degrees 23 minutes 30 seconds East 150 feet to a survey post planted in the eastern limit of said Trans-Canada Highway;

Thence North 29 degrees 36 minutes 30 seconds West thereon 1020.7 feet to the said Point of Commencement;

THENCE continuing North 29 degrees 36 minutes 30 seconds West along said eastern limit of Trans-Canada Highway a further distance of 300 feet to a survey post planted therein;

THENCE North 60 degrees 23 minutes 30 seconds East 410 feet to a survey post planted;

THENCE South 26 degrees 52 minutes 30 seconds East 170.5 feet to a survey post planted;

THENCE South 10 degrees 44 minutes West 170.3 feet to a survey post planted;

THENCE South 60 degrees 23 minutes 30 seconds West 291.6 feet to the point of commencement.

The parcel herein described being shown outlined in red on a plan of survey dated 11 December 1963, signed by J.B. Chambers O.L.S., a duplicate of which plan is attached to and forms part of Instrument No. T71795 registered in the Registry Office for the Registry Division of Algoma.

BEING the land described in No. T392092.

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on March 30, 1998.

16/98

**ONTARIO REGULATION 145/98**  
made under the  
**HEALTH INSURANCE ACT**

Made: February 18, 1998

Filed: April 1, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98 and 87/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsections 17 (1) to (6) of Regulation 552 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

**17. (1)** The following services rendered by an optometrist are prescribed as insured services:

1. A periodic oculo-visual assessment described in subsections (2) and (3), subject to subsections (4) and (5).2. An oculo-visual minor assessment described in subsection (6.1) and (6.2).

(2) A periodic oculo-visual assessment is an assessment of the eye conducted to determine refractive errors due to myopia, hypermetropia, presbyopia, anisometropia and astigmatism and, if necessary, to provide a written refractive prescription.

(3) A periodic oculo-visual assessment shall include the performance of refraction and may include the following elements:

1. The history of the complaint.
2. The patient's medical history.
3. A visual acuity examination.
4. An ocular mobility examination.
5. Slit lamp examination of the anterior segment.
6. Ophthalmoscopy.
7. Tonometry.
8. Advice or instructions to patient.

(4) A periodic oculo-visual assessment rendered by an optometrist is not an insured service unless,

- (a) in the case of an assessment of a patient who is 19 years of age or younger or who is 65 years of age or older, it has been at least one year since a previous periodic oculo-visual assessment was rendered by an optometrist or physician.

- (b) in the case of an assessment of a patient who is older than 19 and younger than 65, it has been at least two years since a previous periodic oculo-visual assessment was rendered by an optometrist or physician.

(5) Despite clause (4) (b), one additional periodic oculo-visual assessment of a patient described in that clause is an insured service if,

- (a) it is performed during the second year that follows the periodic oculo-visual assessment referred to in clause (4) (b); and
- (b) it is required to correct a refractive error equal to or greater than a 0.5 diopters spherical equivalent that is directly attributable to a trauma or disease suffered by the patient.

(6) Myopia, hypermetropia, presbyopia, anisometropia or astigmatism shall not constitute a disease for the purposes of clause (5) (b).

(6.1) An oculo-visual minor assessment is conducted in order to provide a re-assessment following a periodic oculo-visual assessment or in order to assess an oculo-visual disorder other than a refractive error due to a condition referred to in subsection (2).

(6.2) An oculo-visual minor assessment may include any diagnostic and therapeutic procedures.

(6.3) The basic fee payable for an insured service described in subsection (1) is the amount set out opposite the service in Schedule 22 to the Regulation.

(6.4) It is a condition for payment for an insured service rendered to a patient that the claim for payment include the diagnostic code that relates to the patient's condition and is specified for the condition by the Plan.

**2. The Regulation is amended by adding the following Schedule:**

**Schedule 23**

**OPTOMETRY SERVICES**

Item	Fee Code	Insured Service	Fee payable
1.	V402	Oculo-visual minor assessment	\$ 19.25
2.	V404	Periodic oculo-visual assessment of a person 19 years of age or younger	39.15
3.	V405	Periodic oculo-visual assessment of a person older than 19 years of age and younger than 65	39.15
4.	V406	Periodic oculo-visual assessment of a person 65 years of age or older	39.15
5.	V407	Additional periodic oculo-visual assessment of a person older than 19 years of age and younger than 65	39.15

16/98

**ONTARIO REGULATION 146/98****made under the  
HEALTH INSURANCE ACT**

Made: February 18, 1998  
Filed: April 1, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98, 87/98, 111/98 and 145/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Subsection 24 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by striking out the portion before paragraph 1 and substituting the following:**

**24. (1)** The following services rendered by physicians or practitioners are not insured services and are not part of insured services:

**(2) Subsection 24 (1) of the Regulation is amended by adding the following paragraph:**

**24.** Counselling, therapy or any other service rendered for the purpose of weight loss for the benefit of a patient other than a patient,

- i. who has a medical condition that is attributable to, or aggravated by, excess weight, or
- ii. who suffers from obesity and whose obesity puts the patient at an increased risk of developing a medical condition that is attributable to, or aggravated by, excess weight.

**(3) Section 24 of the Regulation is amended by adding the following subsections:**

**(1.3)** For the purpose of subparagraph ii of paragraph 24 of subsection (1), a person, other than a person referred to in subsection (1.4), suffers from obesity if the person's body mass index is equal to or greater than 27.

**(1.4)** For the purpose of subparagraph ii of paragraph 24 of subsection (1), the following persons suffer from obesity if it is the opinion of the physician who renders the service referred to in paragraph 24 that they suffer from obesity:

1. A pregnant or lactating female.
2. A person of muscular build.
3. A person who is under the age of 20 or over the age of 65.

**(1.5)** In subsection (1.3),

"body mass index" means, with respect to a person, the ratio of the person's mass (measured in kilograms) to the square of his or her height (measured in metres).

16/98

**ONTARIO REGULATION 147/98****made under the  
HEALTH INSURANCE ACT**

Made: February 18, 1998  
Filed: April 1, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98, 87/98, 111/98, 145/98, and 146/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. The definition of "schedule of benefits" in subsection 1 (1) of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

"schedule of benefits" means the Ministry of Health document titled "Schedule of Benefits—Physician Services under the *Health Insurance Act* (February 1, 1998)", including the amendments to the document that are dated April 1, 1998 but not including the following parts of the document:

1. Appendices A, B, C and F.
2. The part of the "Laboratory Medicine" section of the document from and including the Preamble to the section to and including item L731.

**2. This Regulation comes into force on April 1, 1998.**

16/98

**ONTARIO REGULATION 148/98****made under the  
PROVINCIAL OFFENCES ACT**

Made: March 25, 1998  
Filed: April 1, 1998

Amending Reg. 950 of R.R.O. 1990  
(Proceedings Commenced by Certificate of Offence)

**Note:** Since January 1, 1997, Regulation 950 has been amended by Ontario Regulations 109/97, 180/97, 234/97, 344/97 and 536/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Items 7.1, 7.2 and 7.3 of Schedule 84 to Regulation 950 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

ITEM	COLUMN 1	COLUMN 2
7.1	Roller-skate on Authority property	10 (6)
7.2	In-line skate on Authority property	10 (6)
7.3	Skate-board on Authority property	10 (6)

(2) Schedule 84 to the Regulation is amended by adding the following items:

ITEM	COLUMN 1	COLUMN 2
7.4	Wear roller-skates on train operated by the Authority	10 (7)
7.5	Wear roller-skates on vehicle other than train operated by the Authority	10 (7)
7.6	Wear in-line skates on train operated by the Authority	10 (7)
7.7	Wear in-line skates on vehicle other than train operated by the Authority	10 (7)
7.8	Fail to operate bicycle on Authority property as prescribed	10 (8)

(3) Item 8 of Schedule 84 to the Regulation is revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2
8	Fail to obey sign on Authority property	10 (10) (a)
8.1	Fail to obey instructions of proper authority	10 (10) (b)

(4) Schedule 84 to the Regulation is amended by adding the following items:

ITEM	COLUMN 1	COLUMN 2
15.1	Interfere with passenger assistance alarm device on vehicle without reasonable cause	10 (16)
15.2	Interfere with passenger assistance alarm device on Authority property without reasonable cause	10 (16)
15.3	Activate passenger assistance alarm device on vehicle without reasonable cause	10 (16)
15.4	Activate passenger assistance alarm device on Authority property without reasonable cause	10 (16)

16/98

#### CORRECTION

Ontario Regulation 120/98 under the *Ontario Planning and Development Act, 1994* published in the April 4, 1998 issue of *The Ontario Gazette*.

Sub-subparagraph H of subparagraph iv of paragraph 1 of subsection 2 (2), as set out in Ontario Regulation 120/98, should have read as follows:

- J. That part of Lot 9 in Concession 1 East Flamborough, now in the City of Burlington in The Regional Municipality of Halton, designated as Parts 1 and 2 on Reference Plan 2OR-9331.

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-04-25

## ONTARIO REGULATION 149/98 made under the SECURITIES ACT

Made: February 27, 1998  
Approved: March 23, 1998  
Filed: April 6, 1998

Amending Reg. 1015 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97, 507/97, 88/98 and 130/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Paragraph 6 of section 98 of Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

6. Limited market dealer, being a person or company that is registered solely for the purpose of trading in securities in accordance with Ontario Securities Commission Rule 31-503 *Limited Market Dealers*.

2. Subsection 100 (3) of the Regulation is amended by striking out "section 207, 208, 209 or 210" in the fourth line and substituting "section 208, 209, 210 or Ontario Securities Commission Rule 31-503 *Limited Market Dealers*".

3. Section 205 of the Regulation is amended by inserting after "this Part" in the first line "or Ontario Securities Commission Rule 31-503 *Limited Market Dealers*".

4. Subsections 207 (1), (2), (3) and (4) of the Regulation are revoked.

5. Subsection 53 (1) of Schedule 1 to the Regulation is amended by inserting after "subsection (2)" in the first line "or in Ontario Securities Commission Rule 31-503 *Limited Market Dealers*".

6. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on January 28, 1998 entitled "Ontario Securities Commission Rule 31-503 *Limited Market Dealers*".

ONTARIO SECURITIES COMMISSION:

J.A. GELLER  
Chair

M.P. CARSCALLEN  
Vice-Chair

Note: The rule made by the Ontario Securities Commission on February 10, 1998 entitled "Amendment to Ontario Securities Commission Rules Rule 31-503 *Limited Market Dealers*" comes into force on April 17, 1998.

Dated on February 27, 1998.

17/98

## ONTARIO REGULATION 150/98 made under the PUBLIC HOSPITALS ACT

Made: April 6, 1998  
Approved: April 6, 1998  
Filed: April 6, 1998

Amending Reg. 965 of R.R.O. 1990  
(Hospital Management)

Note: Since January 1, 1997, Regulation 965 has been amended by Ontario Regulation 45/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

22.1 (1) Where a direction issued under section 6 of the Act directs a hospital to transfer or relinquish the operation and management of all of its programs and services to another hospital or hospitals, the hospital that is subject to the direction shall transfer its medical records to the transferee hospitals specified in the direction in a manner that will protect the privacy of the records.

(2) Where a direction issued under section 6 of the Act directs a hospital to transfer or relinquish the operation and management of part of its programs and services to another hospital or hospitals, the hospital that is subject to the direction shall transfer the medical records associated with the transferred programs and services to the transferee hospitals specified in the direction in a manner that will protect the privacy of the records.

ELIZABETH WITMER  
Minister of Health

Dated on April 6, 1998.

17/98

**ONTARIO REGULATION 151/98**

made under the  
**EDUCATION ACT**

Made: April 8, 1998  
Filed: April 9, 1998

Amending O. Reg. 20/98  
(Education Development Charges—General)

Note: Ontario Regulation 20/98 has not previously been amended.

1. Ontario Regulation 20/98 is amended by adding the following French version:

## **REDEVANCES D'AMÉNAGEMENT SCOLAIRES — DISPOSITIONS GÉNÉRALES**

### **SOMMAIRE**

#### **PARTIE I INTERPRÉTATION**

##### **Définitions**

Coûts non assimilés à des dépenses immobilières à fin scolaire :  
biens-fonds excédentaires

#### **PARTIE II EXONÉRATIONS**

Exonération visant les logements supplémentaires  
Exonération visant le remplacement de logements  
Exonération visant le remplacement d'immeubles non résidentiels  
Exonération visant les terrains ferroviaires de Toronto

#### **PARTIE III CALCUL DES REDEVANCES ET ADOPTION DES RÈGLEMENTS**

Calcul des redevances d'aménagement scolaires  
Application du taux des redevances à la valeur déclarée de  
l'aménagement  
Contenu des études préliminaires  
Conditions d'adoption des règlements  
Préavis des réunions publiques  
Avis d'adoption des règlements

#### **PARTIE IV MODIFICATION DES RÈGLEMENTS**

Nouveau calcul des redevances d'aménagement scolaires  
Avis des projets de modification des règlements  
Avis d'adoption des règlements modificatifs

#### **PARTIE V DISPOSITIONS DIVERSES**

Fonds de réserve de redevances d'aménagement scolaires  
Expiration des règlements — règle spéciale  
Intérêts  
Régions  
Rapports mensuels  
Brochures sur les règlements

#### **PARTIE VI DISPOSITIONS RÉGISSANT LA TRANSITION DE LA LOI SUR LES REDEVANCES D'EXPLOITATION À LA LOI SUR LES REDEVANCES D'AMÉNAGEMENT**

Conseils qui succèdent à d'anciens conseils

**RÈGLEMENT DE L'ONTARIO 151/98**

pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 8 avril 1998  
déposé le 9 avril 1998

modifiant le Règl. de l'Ont. 20/98  
(Redevances d'aménagement scolaires —  
Dispositions générales)

Remarque: Le Règlement de l'Ontario 20/98 n'a pas été modifié antérieurement.

1. Le Règlement de l'Ontario 20/98 est modifié par adjonction de la version française suivante :

Comptes conjoints de redevances d'aménagement scolaires  
Rapports mensuels sur les règlements prorogés

### **ANNEXE (RÉGIONS)**

#### **PARTIE I INTERPRÉTATION**

##### **DÉFINITIONS**

1. Les définitions qui suivent s'appliquent pour l'application de la section E de la partie IX de la Loi et au présent règlement.

«immeuble industriel existant» Immeuble classé comme bien-fonds de la catégorie des biens industriels selon le rôle d'évaluation déposé le plus récemment. («existing industrial building»)

«surface de plancher hors œuvre brute» Surface de plancher totale de tous les étages situés au-dessus du niveau final moyen du sol le long de chaque mur extérieur d'un immeuble, laquelle surface est calculée entre les faces externes des murs extérieurs ou à partir de la face externe des murs extérieurs jusqu'à l'axe des murs mitoyens qui séparent l'immeuble d'un autre. («gross floor area»)

COÛTS NON ASSIMILÉS À DES DÉPENSES IMMOBILIÈRES À FIN SCOLAIRE :  
BIENS-FONDS EXCÉDENTAIRES

2. (1) Les coûts imputables aux biens-fonds excédentaires d'un emplacement sont prescrits, pour l'application de la disposition 2 du paragraphe 257.53 (3) de la Loi, comme ne constituant pas des dépenses immobilières à fin scolaire.

(2) Le paragraphe (1) ne s'applique pas au coût visé à la disposition 5 du paragraphe 257.53 (2) de la Loi.

(3) N'est pas excédentaire la partie du bien-fonds qui est raisonnablement nécessaire à l'une ou l'autre des fins suivantes :

- a) respecter une exigence légale liée à l'emplacement;
- b) permettre l'aménagement sur l'emplacement des installations d'accueil pour les élèves que le conseil a l'intention d'y offrir et donner accès à ces installations.

(4) Le présent article ne s'applique pas aux biens-fonds qui, selon le cas :

- a) ont été acquis par le conseil avant le 1<sup>er</sup> février 1998;
- b) font l'objet d'une entente conclue avant le 1<sup>er</sup> février 1998, aux termes de laquelle le conseil est tenu d'acheter le bien-fonds ou a l'option de le faire.

(5) La définition qui suit s'applique au présent article.

«bien-fonds excédentaire» Partie d'un emplacement scolaire qui est supérieure à la superficie maximale calculée en vertu du tableau figu-

rant au présent article en fonction du nombre d'élèves que peut accueillir l'école qui doit être construite sur l'emplacement.

ÉCOLES ÉLÉMENTAIRES	
Nombre d'élèves	Superficie maximale (acres)
de 1 à 400	4
de 401 à 500	5
de 501 à 600	6
de 601 à 700	7
701 ou plus	8
ÉCOLES SECONDAIRES	
Nombre d'élèves	Superficie maximale (acres)
de 1 à 1000	12
de 1001 à 1100	13
de 1101 à 1200	14
de 1201 à 1300	15
de 1301 à 1400	16
de 1401 à 1500	17
1501 ou plus	18

## PARTIE II EXONÉRATIONS

### EXONÉRATION VISANT LES LOGEMENTS SUPPLÉMENTAIRES

3. Pour l'application de l'alinéa 257.54 (3) b) de la Loi, le tableau suivant précise l'appellation et la description des catégories d'immeubles d'habitation qui sont prescrites, le nombre maximal de logements supplémentaires qui sont prescrits dans le cas des immeubles qui appartiennent à ces catégories et les restrictions applicables à chaque catégorie.

APPELLATION DE LA CATÉGORIE D'IMMEUBLES D'HABITATION	DESCRIPTION DE LA CATÉGORIE D'IMMEUBLES D'HABITATION	NOMBRE MAXIMAL DE LOGEMENTS SUPPLÉMENTAIRES	RESTRICTIONS
Habitations unifamiliales individuelles	Immeubles d'habitation dont chacun contient un logement individuel et qui ne sont pas contigus à d'autres immeubles.	Deux	La surface de plancher hors œuvre brute totale du ou des logements supplémentaires doit être égale ou inférieure à celle du logement que contient déjà l'immeuble.

Habitations jumelées ou en rangée	Immeubles d'habitation dont chacun contient un logement individuel et dont un ou deux murs verticaux sont, à l'exclusion de toute autre partie, contigus à d'autres immeubles.	Un	La surface de plancher hors œuvre brute du logement supplémentaire doit être égale ou inférieure à celle du logement que contient déjà l'immeuble.
Autres immeubles d'habitation	Immeubles d'habitation qui n'appartiennent pas à une autre catégorie d'immeubles d'habitation que vise le présent tableau.	Un	La surface de plancher hors œuvre brute du logement supplémentaire doit être égale ou inférieure à celle du logement que contient déjà l'immeuble.

### EXONÉRATION VISANT LE REMPLACEMENT DE LOGEMENTS

4. (1) Sous réserve du paragraphe (2), le conseil exonère le propriétaire de la redevance d'aménagement scolaire à l'égard du remplacement, sur le même emplacement, d'un logement qui a été démoli ou détruit, notamment par un incendie, ou qui a subi des dommages, notamment à la suite d'un incendie ou de travaux de démolition, qui le rendent inhabitable.

(2) Le conseil n'est pas tenu d'exonérer le propriétaire de la redevance si le permis de construire visant le logement de remplacement est délivré plus de deux ans :

- soit après la date où l'ancien logement a été détruit ou est devenu inhabitable;
- soit, si l'ancien logement a été démoli conformément à un permis de démolir délivré avant qu'il n'ait été détruit ou ne fût devenu inhabitable, après la date de délivrance de ce permis.

### EXONÉRATION VISANT LE REMPLACEMENT D'IMMEUBLES NON RÉSIDENTIELS

5. (1) Sous réserve des paragraphes (2) et (3), le conseil exonère le propriétaire de la redevance d'aménagement scolaire à l'égard du remplacement, sur le même emplacement, d'un immeuble non résidentiel qui a été démoli ou détruit, notamment par un incendie, ou qui a subi des dommages, notamment à la suite d'un incendie ou de travaux de démolition, qui le rendent inutilisable.

(2) Si la surface de plancher hors œuvre brute de la partie non résidentielle de l'immeuble de remplacement est supérieure à celle de la partie non résidentielle de l'immeuble qui est en voie d'être remplacé, le conseil n'est tenu d'exonérer le propriétaire que de la fraction de la redevance d'aménagement scolaire qui est calculée selon la formule suivante :

$$\text{Fraction exonérée} = \frac{SPHOB (\text{ancienne})}{SPHOB (\text{nouvelle})} \times RAS$$

où :

«fraction exonérée» représente la fraction de la redevance d'aménagement scolaire dont le conseil est tenu d'exonérer le propriétaire;

«SPHOB (ancienne)» représente la surface de plancher hors œuvre brute de la partie non résidentielle de l'immeuble qui est en voie d'être remplacé;

«SPHOB (nouvelle)» représente la surface de plancher hors œuvre brute de la partie non résidentielle de l'immeuble de remplacement;

«RAS» représente la redevance d'aménagement scolaire qui serait exigible sans l'exonération.

(3) Le conseil n'est pas tenu d'exonérer le propriétaire de la redevance si le permis de construire visant l'immeuble de remplacement est délivré plus de cinq ans :

- a) soit après la date où l'ancien immeuble a été détruit ou est devenu inutilisable;
- b) soit, si l'ancien immeuble a été démoli conformément à un permis de démolir délivré avant qu'il n'ait été détruit ou ne fût devenu inutilisable, après la date de délivrance de ce permis.

(4) Le présent article ne s'applique pas aux redevances d'aménagement scolaires visant un aménagement résidentiel.

#### EXONÉRATION VISANT LES TERRAINS FERROVIAIRES DE TORONTO

6. (1) Les définitions qui suivent s'appliquent au présent article.

«entente» L'entente, intitulée «Development Levy Agreement-Railway Lands Central and West», conclue le 21 octobre 1994 par la cité de Toronto, la Compagnie des chemins de fer nationaux du Canada, CN Transactions Inc., le Conseil de l'éducation de la cité de Toronto, le Conseil des écoles catholiques du Grand Toronto et le Conseil scolaire de la communauté urbaine de Toronto, et enregistrée au bureau d'enregistrement immobilier de la division d'enregistrement des droits immobiliers de la communauté urbaine de Toronto (n° 66) sous le numéro C920254. («agreement»)

«terrains» Les terrains visés aux annexes A et B de l'entente. («lands»)

(2) Le conseil exonère le propriétaire des redevances d'aménagement scolaires qui visent les terrains dans la mesure prévue par l'entente.

### PARTIE III CALCUL DES REDEVANCES ET ADOPTION DES RÈGLEMENTS

#### CALCUL DES REDEVANCES D'AMÉNAGEMENT SCOLAIRES

7. Avant d'adopter un règlement de redevances d'aménagement scolaires, le conseil fait ce qui suit aux fins du calcul des redevances :

1. Le conseil estime le nombre de nouveaux logements situés dans le secteur où doivent être imposées les redevances, pour chacune des 15 années qui suivent le jour où il a l'intention de faire entrer le règlement en vigueur. Cette estimation ne porte que sur les nouveaux logements à l'égard desquels des redevances d'aménagement scolaires peuvent être imposées.
2. Le conseil définit les différentes sortes de nouveaux logements et estime, pour chaque sorte, le nombre moyen par nouveau logement des nouveaux élèves de l'élémentaire et celui des nouveaux élèves du secondaire qui fréquenteront ses écoles.
3. Pour chacune des 15 années visées à la disposition 1, le conseil estime le nombre total des nouveaux élèves de l'élémentaire et celui des nouveaux élèves du secondaire en fonction du nombre estimatif de nouveaux logements et du nombre moyen estimatif

de nouveaux élèves par nouveau logement, sous réserve des redressements suivants :

- i. le conseil déduit du nombre de nouveaux élèves de l'élémentaire le nombre existant de places à l'élémentaire qui, à son avis, peuvent raisonnablement accueillir ces nouveaux élèves,
- ii. le conseil déduit du nombre de nouveaux élèves du secondaire le nombre existant de places au secondaire qui, à son avis, peuvent raisonnablement accueillir ces nouveaux élèves.

4. Le conseil estime les dépenses immobilières nettes à fin scolaire liées aux emplacements d'école élémentaire et d'école secondaire qui sont nécessaires pour offrir des places aux nouveaux élèves de l'élémentaire et du secondaire.

5. Le conseil estime le solde du fonds de réserve des redevances d'aménagement scolaires éventuel lié au secteur où doivent être imposées les redevances. L'estimation porte sur le solde tel qu'il existe immédiatement avant le jour où le conseil a l'intention de faire entrer le règlement en vigueur.

6. Le conseil redresse les dépenses immobilières nettes à fin scolaire en fonction du solde estimatif éventuel visé à la disposition 5. Si le solde est positif, il est soustrait des dépenses. S'il est négatif, il est réputé positif et il est ajouté aux dépenses.

7. Les dépenses immobilières nettes à fin scolaire redressées au besoin aux termes de la disposition 6 constituent les dépenses immobilières nettes à fin scolaire liées à la croissance.

8. Le conseil fixe le pourcentage des dépenses immobilières nettes à fin scolaire liées à la croissance qui doit être financé par des redevances imposées sur un aménagement résidentiel et le pourcentage éventuel qui doit être financé par des redevances imposées sur un aménagement non résidentiel. Le pourcentage qui doit être financé par des redevances imposées sur un aménagement non résidentiel ne doit pas être supérieur à 40 pour cent.

9. Le conseil fixe les redevances imposées sur un aménagement résidentiel sous réserve de ce qui suit :

- i. les redevances sont exprimées selon un taux par logement,
- ii. le taux est le même dans tout le secteur où les redevances doivent être imposées aux termes du règlement,

iii. le conseil fixe le taux de façon que son application, au cours de la période de 15 ans visée à la disposition 1, à l'aménagement résidentiel estimatif situé dans le secteur auquel le règlement s'appliquerait et sur lequel des redevances peuvent être imposées n'entraîne pas le dépassement du pourcentage des dépenses immobilières nettes à fin scolaire liées à la croissance qui doit être financé par des redevances imposées sur un aménagement résidentiel.

10. Le conseil fixe les redevances qui doivent être imposées sur un aménagement non résidentiel sous réserve de ce qui suit :

- i. les redevances sont exprimées selon l'un ou l'autre des taux suivants, au choix du conseil :

A. un taux à appliquer à la surface de plancher hors œuvre brute de l'aménagement,

B. un taux à appliquer à la valeur déclarée de l'aménagement,



- ii. le conseil peut choisir une sorte de taux pour certaines parties du secteur où les redevances doivent être imposées et l'autre sorte pour les autres parties de ce secteur,
- iii. le conseil ne peut choisir d'appliquer les deux sortes de taux dans une cité, une ville, un village ou un canton,
- iv. si le règlement ne prévoit l'application que d'une seule sorte de taux, ce taux est le même dans tout le secteur où les redevances doivent être imposées en vertu du règlement,
- v. si le règlement prévoit l'application des deux sortes de taux, chacun de ces taux est le même dans tout le secteur où il s'applique,
- vi. le conseil fixe le ou, si le règlement prévoit l'application des deux sortes de taux, les taux de façon que leur application, au cours de la période de 15 ans visée à la disposition 1, à l'aménagement non résidentiel estimatif situé dans le secteur auquel le règlement s'appliquerait et sur lequel des redevances peuvent être imposées n'entraîne pas le dépassement du pourcentage des dépenses immobilières nettes à fin scolaire liées à la croissance qui doit être financé par des redevances imposées sur un aménagement non résidentiel.

#### APPLICATION DU TAUX DES REDEVANCES À LA VALEUR DÉCLARÉE DE L'AMÉNAGEMENT

8. La redevance d'aménagement scolaire qui est exprimée selon un taux à appliquer à la valeur déclarée d'un aménagement est appliquée à la valeur déclarée qui sert à calculer les droits du permis de construire, s'ils sont calculés en fonction de la valeur déclarée de l'aménagement.

#### CONTENU DES ÉTUDES PRÉLIMINAIRES

9. (1) Les renseignements qui suivent sont prescrits, pour l'application de l'alinéa 257.61 (2) d) de la Loi, comme renseignements qui doivent être compris dans l'étude préliminaire sur les redevances d'aménagement scolaires touchant un règlement de redevances d'aménagement scolaires :

- 1. Les estimations suivantes que le conseil a l'intention d'utiliser lors du calcul des redevances d'aménagement scolaires :
  - i. le nombre de nouveaux logements situés dans le secteur où les redevances doivent être imposées, estimé par le conseil aux termes de la disposition 1 de l'article 7, pour chacune des années exigées par cette disposition,
  - ii. le nombre moyen par nouveau logement des nouveaux élèves de l'élémentaire et celui des nouveaux élèves du secondaire qui fréquenteront ses écoles, estimés par le conseil aux termes de la disposition 2 de l'article 7, pour chaque sorte de logement qu'il a défini,
  - iii. le nombre total des nouveaux élèves de l'élémentaire et celui des nouveaux élèves du secondaire, estimés par le conseil aux termes de la disposition 3 de l'article 7, pour chacune des années exigées par cette disposition, sans les redressements qui y sont énoncés et avec ces redressements.
- 2. Pour chaque école élémentaire et école secondaire du secteur où le conseil a l'intention d'imposer des redevances d'aménagement scolaires :
  - i. d'une part, le nombre de places existantes,
  - ii. d'autre part, le nombre d'élèves qui fréquentent l'école.

- 3. Pour chaque place à l'élémentaire existante qui relève de la compétence du conseil et qu'il n'a pas l'intention d'utiliser pour effectuer le redressement prévu à la sous-disposition i de la disposition 3 de l'article 7, la justification de cette décision.
- 4. Pour chaque place au secondaire existante qui relève de la compétence du conseil et qu'il n'a pas l'intention d'utiliser pour effectuer le redressement prévu à la sous-disposition ii de la disposition 3 de l'article 7, la justification de cette décision.
- 5. Pour chaque emplacement d'école élémentaire ou d'école secondaire dont le conseil a l'intention d'inclure les dépenses immobilières nettes à fin scolaire, ce qui suit :
  - i. le lieu où se trouve l'emplacement,
  - ii. la superficie de l'emplacement et, si elle est supérieure à la superficie maximale calculée, en vertu du tableau figurant à l'article 2, en fonction du nombre d'élèves que peut accueillir l'école qui doit être construite sur l'emplacement, la justification de l'assimilation, le cas échéant, des dépenses liées aux biens-fonds excédentaires à des dépenses immobilières à fin scolaire,
  - iii. l'estimation des dépenses immobilières à fin scolaire liées à l'emplacement, y compris une déclaration distincte portant l'estimation que le conseil fait des sommes suivantes :
    - A. le coût visé à la disposition 1 du paragraphe 257.53 (2) de la Loi,
    - B. le coût de la viabilisation visé à la disposition 2 du paragraphe 257.53 (2) de la Loi,
    - C. le coût de la préparation de l'emplacement visé à la disposition 2 du paragraphe 257.53 (2) de la Loi,
    - D. les intérêts visés à la disposition 4 du paragraphe 257.53 (2) de la Loi,
  - iv. le nombre de places que fournira l'école qui doit être construite sur l'emplacement, selon l'estimation du conseil, et le nombre de ces places qui serviront à accueillir le nombre de nouveaux élèves estimé aux termes de la disposition 3 de l'article 7, selon l'estimation du conseil.
- 6. Une déclaration énonçant la politique du conseil en ce qui concerne les arrangements possibles avec des municipalités, des conseils scolaires ou d'autres personnes ou organismes du secteur public ou privé, y compris des arrangements à long terme ou des mesures de collaboration, qui permettraient d'accueillir les nouveaux élèves de l'élémentaire ou du secondaire dont le nombre est estimé aux termes de la disposition 3 de l'article 7, sans imposer de redevances d'aménagement scolaires ou en permettant la réduction.
- 7. Si le conseil a déjà mené une étude préliminaire sur les redevances d'aménagement scolaires qui comporte la déclaration visée à la disposition 6, une déclaration énonçant les modalités de mise en œuvre de cette politique et, le cas échéant, la justification du défaut de sa mise en œuvre.
- 8. Une déclaration du conseil portant qu'il a examiné son budget de fonctionnement pour y trouver des économies qui pourraient servir à réduire les dépenses immobilières nettes à fin scolaire liées à la croissance et le montant éventuel des économies qu'il propose d'imputer à cette réduction.

(2) Les renseignements prescrits aux termes de la disposition 5 du paragraphe (1) que fournit le conseil sont aussi précis qu'ils peuvent raisonnablement l'être dans les circonstances.

## CONDITIONS D'ADOPTION DES RÈGLEMENTS

10. Les conditions suivantes sont prescrites, pour l'application du paragraphe 257.54 (6) de la Loi, comme conditions à remplir avant que le conseil puisse adopter un règlement de redevances d'aménagement scolaires :

## 1. Le ministre a approuvé ce qui suit :

- i. le nombre total des nouveaux élèves de l'élémentaire et celui des nouveaux élèves du secondaire, estimés par le conseil aux termes de la disposition 3 de l'article 7 pour chacune des années exigées par cette disposition, sans les redressements qui y sont énoncés,
- ii. le nombre des emplacements d'école élémentaire et celui des emplacements d'école secondaire estimés par le conseil pour calculer les dépenses immobilières nettes à fin scolaire aux termes de la disposition 4 de l'article 7.

## 2. L'une ou l'autre des conditions suivantes :

- i. le nombre moyen estimatif des élèves de l'élémentaire du conseil au cours des cinq années qui suivent le jour où il a l'intention de faire entrer le règlement en vigueur est supérieur à sa capacité d'accueil totale à l'élémentaire dans tout son territoire de compétence le jour de l'adoption du règlement,
- ii. le nombre moyen estimatif des élèves du secondaire du conseil au cours des cinq années qui suivent le jour où il a l'intention de faire entrer le règlement en vigueur est supérieur à sa capacité d'accueil totale au secondaire dans tout son territoire de compétence le jour de l'adoption du règlement.

## 3. Le conseil a donné une copie de l'étude préliminaire sur les redevances d'aménagement scolaires touchant le règlement au ministre et à chaque conseil dont le territoire de compétence recoupe le secteur où s'appliquerait le règlement.

## PRÉAVIS DES RÉUNIONS PUBLIQUES

11. (1) Le préavis des réunions publiques que le conseil est tenu de donner aux termes de l'alinéa 257.63 (1) b) de la Loi est donné, selon le cas :

- 1. Par signification à personne, par télécopieur ou par courrier, à chaque propriétaire d'un bien-fonds situé dans le secteur où s'appliquerait le règlement proposé.
- 2. Par sa publication dans un journal qui a, de l'avis du secrétaire du conseil, une diffusion suffisante dans le secteur où s'appliquerait le règlement proposé pour donner au public un préavis raisonnable des réunions.

(2) Pour l'application de la disposition 1 du paragraphe (1), les propriétaires sont ceux qui figurent sur le dernier rôle d'évaluation révisé, sous réserve de tout avis écrit de transfert de propriété du bien-fonds qu'a reçu le secrétaire du conseil. L'avis donné aux propriétaires par courrier est envoyé à l'adresse qui figure sur le dernier rôle d'évaluation révisé ou, le cas échéant, à celle qui figure sur l'avis de transfert de propriété d'un bien-fonds qu'a reçu le secrétaire du conseil.

## AVIS D'ADOPTION DES RÈGLEMENTS

12. (1) Le présent article s'applique à l'avis d'adoption d'un règlement de redevances d'aménagement scolaires que le secrétaire du conseil est tenu de donner aux termes de l'article 257.64 de la Loi.

## (2) L'avis est donné, selon le cas :

1. Par signification à personne, par télécopieur ou par courrier, à chaque propriétaire d'un bien-fonds situé dans le secteur où s'applique le règlement.

2. Par sa publication dans un journal qui a, de l'avis du secrétaire du conseil, une diffusion suffisante dans le secteur où s'applique le règlement pour donner au public un avis raisonnable de l'adoption du règlement.

(3) Le paragraphe 11 (2) s'applique, avec les adaptations nécessaires, pour l'application de la disposition 1 du paragraphe (2).

(4) Outre l'avis prévu au paragraphe (2), avis est également donné aux personnes et organismes suivants par signification à personne, par télécopieur ou par courrier :

1. Chaque personne et chaque organisme qui a demandé par écrit au secrétaire du conseil de recevoir un avis de l'adoption du règlement et lui a fourni une adresse de retour.

2. Le ministre.

3. Sauf si l'avis est donné aux termes de la disposition 2 du paragraphe (2) :

- i. le secrétaire de chaque municipalité qui a compétence dans le secteur auquel s'applique le règlement,
- ii. le secrétaire de chaque conseil qui a compétence dans le secteur auquel s'applique le règlement.

## (5) L'avis énonce ce qui suit :

- 1. Une déclaration portant que le conseil a adopté un règlement de redevances d'aménagement scolaires.
- 2. Une déclaration portant la date d'adoption du règlement et son numéro.
- 3. Une déclaration portant que toute personne ou tout organisme peut interjeter appel du règlement devant la Commission des affaires municipales de l'Ontario en vertu de l'article 257.65 de la Loi en déposant auprès du secrétaire du conseil un avis d'appel énonçant la nature de son opposition au règlement et les motifs à l'appui.
- 4. Une déclaration précisant la date d'expiration du délai d'appel du règlement.
- 5. L'explication des redevances d'aménagement scolaires imposées par le règlement sur les aménagements résidentiels et les aménagements non résidentiels.
- 6. La description des biens-fonds auxquels s'applique le règlement.
- 7. Une carte-index indiquant les biens-fonds auxquels s'applique le règlement ou l'explication de son omission.
- 8. La mention du moment et du lieu où l'on peut consulter une copie du règlement.
- 9. Une déclaration portant qu'il n'est pas obligatoire de donner avis d'un projet de règlement modifiant le règlement de redevances d'aménagement scolaires ni de l'adoption d'un tel règlement modificatif à quelque personne ou organisme que ce soit, si ce n'est à certains secrétaires de municipalité ou de conseil scolaire, sauf si la personne ou l'organisme a demandé par écrit au secrétaire du conseil de recevoir un avis de toute modification apportée au règlement de redevances d'aménagement scolaires et lui a fourni une adresse de retour.

## PARTIE IV MODIFICATION DES RÈGLEMENTS

### NOUVEAU CALCUL DES REDEVANCES D'AMÉNAGEMENT SCOLAIRES

13. (1) Le présent article s'applique si la modification du règlement de redevances d'aménagement scolaires entraîne le changement des taux qui servent à calculer le montant des redevances.

(2) L'article 7 s'applique avec les adaptations suivantes et avec toute autre adaptation nécessaire :

1. La mention des 15 années à la disposition 1 de l'article 7 est réputée la mention de la fraction de la période de 15 ans qui suit le jour où le conseil a l'intention de faire entrer en vigueur le règlement modificatif.
2. L'estimation prévue à la disposition 5 de l'article 7 est celle du solde qui existe immédiatement avant le jour où le conseil a l'intention de faire entrer en vigueur le règlement modificatif.

### AVIS DES PROJETS DE MODIFICATION DES RÈGLEMENTS

14. (1) Le présent article s'applique aux avis concernant les projets de règlement modifiant un règlement de redevances d'aménagement scolaires que le conseil est tenu de donner aux termes de l'article 257.72 de la Loi.

(2) Avis est donné aux personnes et organismes suivants :

1. Chaque personne et chaque organisme qui a demandé par écrit au secrétaire du conseil de recevoir un avis de toute modification apportée au règlement de redevances d'aménagement scolaires et lui a fourni une adresse de retour.
2. Le secrétaire de chaque municipalité qui a compétence dans le secteur auquel s'applique le règlement de redevances d'aménagement scolaires.
3. Le secrétaire de chaque conseil qui a compétence dans le secteur auquel s'applique le règlement de redevances d'aménagement scolaires modifié.

(3) L'avis donné à une personne ou à un organisme visé à la disposition 1 du paragraphe (2) l'est par signification à personne, par télécopieur ou par courrier.

(4) L'avis donné à une personne visée à la disposition 2 ou 3 du paragraphe (2) l'est par signification à personne, par télécopieur ou par courrier, ou par sa publication dans un journal qui a, de l'avis du secrétaire du conseil, une diffusion suffisante dans le secteur où s'applique le règlement de redevances d'aménagement scolaires pour donner un avis raisonnable au public.

(5) L'avis énonce ce qui suit :

1. Une déclaration portant que le conseil se propose de modifier le règlement de redevances d'aménagement scolaires.
2. L'explication des redevances d'aménagement scolaires imposées par le règlement de redevances d'aménagement scolaires sur les aménagements résidentiels et les aménagements non résidentiels.
3. Une explication du projet de règlement modificatif.
4. La description des biens-fonds auxquels s'applique le règlement de redevances d'aménagement scolaires.

5. Une carte-index indiquant les biens-fonds auxquels s'applique le règlement de redevances d'aménagement scolaires ou l'explication de son omission.

6. Si les biens-fonds auxquels s'applique le règlement de redevances d'aménagement scolaires sont appelés à changer par suite de l'adoption du projet de règlement modificatif, la description des biens-fonds auxquels s'appliquerait le règlement de redevances d'aménagement scolaires modifié et une carte-index indiquant ces biens-fonds ou l'explication de son omission.

7. La mention du moment et du lieu où l'on peut consulter une copie du projet de règlement modificatif.

### AVIS D'ADOPTION DES RÈGLEMENTS MODIFICATIFS

15. (1) Le présent article s'applique aux avis concernant l'adoption d'un règlement modifiant un règlement de redevances d'aménagement scolaires que le secrétaire du conseil est tenu de donner aux termes de l'article 257.73 de la Loi.

(2) Avis est donné aux personnes et organismes suivants :

1. Chaque personne et chaque organisme qui a demandé par écrit au secrétaire du conseil de recevoir un avis de toute modification apportée au règlement de redevances d'aménagement scolaires et lui a fourni une adresse de retour.
2. Le ministre.
3. Le secrétaire de chaque municipalité qui a compétence dans le secteur auquel s'applique le règlement de redevances d'aménagement scolaires modifié.
4. Le secrétaire de chaque conseil qui a compétence dans le secteur auquel s'applique le règlement de redevances d'aménagement scolaires modifié.

(3) L'avis donné à une personne ou à un organisme visé à la disposition 1 ou 2 du paragraphe (2) l'est par signification à personne, par télécopieur ou par courrier.

(4) L'avis donné à une personne visée à la disposition 3 ou 4 du paragraphe (2) l'est par signification à personne, par télécopieur ou par courrier, ou par sa publication dans un journal qui a, de l'avis du secrétaire du conseil, une diffusion suffisante dans le secteur où s'applique le règlement de redevances d'aménagement scolaires pour donner un avis raisonnable au public.

(5) L'avis énonce ce qui suit :

1. Une déclaration portant que le conseil a adopté un règlement modifiant le règlement de redevances d'aménagement scolaires.
2. Une déclaration portant la date d'adoption du règlement modificatif et son numéro.
3. Une déclaration portant que toute personne ou tout organisme peut interjeter appel du règlement modificatif devant la Commission des affaires municipales de l'Ontario en vertu de l'article 257.74 de la Loi en déposant auprès du secrétaire du conseil un avis d'appel énonçant la nature de son opposition au règlement modificatif et les motifs à l'appui.
4. Une déclaration précisant la date d'expiration du délai d'appel du règlement modificatif.
5. Une déclaration portant que l'appel ne peut soulever des questions qui auraient pu être soulevées dans un appel du règlement de redevances d'aménagement scolaires interjeté en vertu de l'article 257.65 de la Loi.

## PARTIE V DISPOSITIONS DIVERSES

### FONDS DE RÉSERVE DE REDEVANCES D'AMÉNAGEMENT SCOLAIRES

16. (1) Le conseil constitue, aux termes de l'article 257.82 de la Loi, un fonds de réserve de redevances d'aménagement scolaires pour le secteur auquel s'applique le règlement de redevances d'aménagement scolaires.

(2) Les sommes versées au fonds de réserve de redevances d'aménagement scolaires ne peuvent être utilisées qu'aux fins et de la manière suivantes :

- a) aux fins des dépenses immobilières nettes à fin scolaire liées à la croissance;
- b) de la manière prévue à l'alinéa 241 (1) a) ou à l'article 257.99 de la Loi;
- c) pour défrayer les coûts raisonnables de la préparation, de la révision et de la distribution de la brochure sur le règlement qui est exigée aux termes de l'article 21;
- d) pour acquitter les frais de service qu'une institution financière exige à l'égard du fonds de réserve;
- e) après l'acquiescement d'une redevance d'aménagement scolaire et la révocation du permis de construire délivré pour l'aménagement, pour rembourser la redevance, majorée des intérêts à un taux qui n'est pas supérieur au taux prescrit aux termes de l'article 18.

### EXPIRATION DES RÈGLEMENTS — RÈGLE SPÉCIALE

17. (1) Le présent article régit l'expiration du règlement de redevances d'aménagement scolaires du conseil (le «nouveau règlement») si, au moment de l'adoption de celui-ci, le règlement de redevances d'aménagement scolaires d'un autre conseil (le «règlement existant chevauchant») s'applique à une partie quelconque du secteur auquel s'applique le nouveau règlement.

(2) Le nouveau règlement expire la première à survenir des dates d'expiration des règlements existants chevauchants, tels qu'ils existaient le jour de l'adoption du nouveau règlement.

(3) Il est entendu que le règlement prorogé aux termes de l'article 257.103 de la Loi ne constitue pas un règlement existant chevauchant.

### INTÉRÊTS

18. Le taux d'intérêt prévu aux paragraphes 257.69 (3) et 257.90 (2) de la Loi et le taux d'intérêt minimal prévu à l'article 257.99 de la Loi sont le taux préférentiel le moins élevé signalé à la Banque du Canada par l'une des banques mentionnées à l'annexe I de la Loi sur les banques (Canada) au début de la période pendant laquelle courent les intérêts.

### RÉGIONS

19. (1) Le territoire de compétence des conseils est divisé en régions pour l'application de l'article 257.57 de la Loi conformément à ce qui suit :

1. La partie du territoire de compétence qui est située dans le secteur visé à un point de l'annexe du présent règlement constitue une région.
2. La partie du territoire de compétence qui n'est pas située dans un secteur visé à un point de l'annexe du présent règlement constitue une région.

(2) La mention à l'annexe de municipalités ou de secteurs est la mention de ces municipalités ou secteurs tels qu'ils existaient le 31 décembre 1997, sauf indication contraire.

### RAPPORTS MENSUELS

20. (1) Les renseignements suivants, dans la mesure où ils concernent les biens-fonds de la municipalité, sont prescrits comme renseignements qui doivent être contenus dans le rapport mensuel prévu à l'article 257.97 de la Loi :

1. Le total des redevances d'aménagement scolaires qui sont perçues à l'égard des aménagements résidentiels.
2. Le nombre de permis de construire délivrés, pour chaque sorte de nouveaux logements que définit le conseil aux termes de la disposition 2 de l'article 7, à l'égard de laquelle sont imposées des redevances d'aménagement scolaires.
3. L'emplacement des biens-fonds visés par les permis de construire mentionnés à la disposition 2.
4. Le total des redevances d'aménagement scolaires perçues à l'égard des aménagements non résidentiels.
5. Le nombre de permis de construire délivrés à l'égard d'aménagements non résidentiels à l'égard desquels le conseil impose une redevance d'aménagement scolaire.
6. La surface de plancher hors œuvre brute totale de l'aménagement non résidentiel à l'égard duquel le conseil impose des redevances d'aménagement scolaires calculées à l'aide d'un taux appliqué à la surface de plancher hors œuvre brute de l'aménagement. La surface de plancher hors œuvre brute totale ne comprend pas la surface de plancher hors œuvre brute d'un aménagement auquel s'applique le paragraphe 257.55 (3) de la Loi ou le paragraphe 5 (2) du présent règlement.
7. La valeur déclarée totale de l'aménagement non résidentiel à l'égard duquel le conseil impose des redevances d'aménagement scolaires calculées à l'aide d'un taux appliqué à la valeur déclarée de l'aménagement. La valeur déclarée totale ne comprend pas la valeur déclarée d'un aménagement auquel s'applique le paragraphe 257.55 (3) de la Loi ou le paragraphe 5 (2) du présent règlement.
8. Pour chaque aménagement auquel s'applique le paragraphe 257.55 (3) de la Loi et à l'égard duquel le conseil impose des redevances d'aménagement scolaires :
  - i. la surface de plancher hors œuvre brute de l'immeuble existant,
  - ii. la surface de plancher hors œuvre brute de l'agrandissement,
  - iii. si les redevances d'aménagement scolaires sont calculées à l'aide d'un taux appliqué à la valeur déclarée de l'aménagement, cette valeur déclarée.
9. Pour chaque aménagement auquel s'applique le paragraphe 5 (2) du présent règlement et à l'égard duquel le conseil impose des redevances d'aménagement scolaires :
  - i. la surface de plancher hors œuvre brute de la partie non résidentielle de l'immeuble qui est en voie d'être remplacé,
  - ii. la surface de plancher hors œuvre brute de la partie non résidentielle de l'immeuble de remplacement,
  - iii. si les redevances d'aménagement scolaires sont calculées à l'aide d'un taux appliqué à la valeur déclarée de l'aménagement, cette valeur déclarée.

10. Le nombre de permis de construire délivrés pour des aménagements résidentiels, dans un secteur auquel s'applique le règlement de redevances d'aménagement scolaires, à l'égard desquels aucune redevance d'aménagement scolaire n'est imposée.
11. Le nombre de permis de construire délivrés pour des aménagements non résidentiels, dans un secteur auquel s'applique le règlement de redevances d'aménagement scolaires, à l'égard desquels aucune redevance d'aménagement scolaire n'est imposée.

(2) Le rapport porte sur la période qui :

- a) d'une part, commence à la fin de la période visée par le rapport précédent de la municipalité ou, en l'absence d'un tel rapport, le jour où un règlement de redevances d'aménagement scolaires du conseil commence à s'appliquer à des biens-fonds de la municipalité;
- b) d'autre part, se termine à la fin du 25<sup>e</sup> jour du mois qui précède le mois où le rapport doit être présenté.

#### BROCHURES SUR LES RÈGLEMENTS

21. (1) Le conseil prépare une brochure sur chaque règlement de redevances d'aménagement scolaires en vigueur et y énonce ce qui suit :

- a) la description de l'objet général des redevances d'aménagement scolaires qui sont imposées aux termes du règlement;
- b) les règles régissant l'exigibilité d'une redevance d'aménagement scolaire dans des cas particuliers et le calcul de son montant.

(2) Le conseil prépare la brochure :

- a) dans les 60 jours de l'entrée en vigueur du règlement, s'il n'en est pas interjeté appel devant la Commission des affaires municipales de l'Ontario;
- b) dans les 60 jours de la décision de la Commission des affaires municipales de l'Ontario, s'il est interjeté appel du règlement devant celle-ci, ou dans les 60 jours de la modification du règlement par le conseil, si la Commission en ordonne la modification.

(3) Le conseil révisé la brochure au besoin en cas de modification du règlement de redevances d'aménagement scolaires.

(4) Le conseil qui est tenu de réviser la brochure le fait :

- a) dans les 60 jours de l'entrée en vigueur du règlement modificatif, s'il n'en est pas interjeté appel devant la Commission des affaires municipales de l'Ontario;
- b) dans les 60 jours de la décision de la Commission des affaires municipales de l'Ontario, s'il est interjeté appel du règlement modificatif devant celle-ci, ou dans les 60 jours de la modification du règlement modificatif par le conseil, si la Commission en ordonne la modification.

(5) Le conseil remet au ministre une copie de la brochure dès qu'il l'a préparée ou révisée.

(6) Le conseil remet une copie de la brochure la plus récente gratuitement à quiconque en fait la demande.

(7) Le conseil peut exiger des frais pour les copies supplémentaires qu'il remet à une personne, mais ces frais ne doivent pas être supérieurs au coût de ces copies.

(8) Quiconque peut reproduire et distribuer la brochure sous n'importe quelle forme.

### PARTIE VI DISPOSITIONS RÉGISSANT LA TRANSITION DE LA LOI SUR LES REDEVANCES D'EXPLOITATION À LA LOI SUR LES REDEVANCES D'AMÉNAGEMENT

#### CONSEILS QUI SUCCÈDENT À D'ANCIENS CONSEILS

22. Pour l'application de la section E de la partie IX de la Loi, chaque conseil dont le nom figure dans la colonne 2 du tableau suivant est prescrit comme conseil qui succède à l'ancien conseil correspondant dont le nom figure dans la colonne 1.

POINT	COLONNE 1 ANCIENS CONSEILS	COLONNE 2 CONSEILS QUI SUCCÈDENT
1.	The York Region Board of Education	English-language Public District School Board No. 16  Conseil de district des écoles publiques de langue française n° 58
2.	The York Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de York	English-language Separate District School Board No. 42  Conseil de district des écoles séparées de langue française n° 64
3.	The Carleton Board of Education	English-language Public District School Board No. 25
4.	The Carleton Roman Catholic Separate School Board	English-language Separate District School Board No. 53
5.	The Durham Board of Education	English-language Public District School Board No. 13  Conseil de district des écoles publiques de langue française n° 58
6.	The Durham Region Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de la région de Durham	English-language Separate District School Board No. 45  Conseil de district des écoles séparées de langue française n° 64
7.	The Halton Board of Education	English-language Public District School Board No. 20  Conseil de district des écoles publiques de langue française n° 58
8.	The Halton Roman Catholic Separate School Board/Conseil des écoles catholiques de Halton	English-language Separate District School Board No. 46  Conseil de district des écoles séparées de langue française n° 64
9.	The Peel Board of Education	English-language Public District School Board No. 19  Conseil de district des écoles publiques de langue française n° 58

10.	The Dufferin County Board of Education	English-language Public District School Board No. 18  Conseil de district des écoles publiques de langue française n° 58
11.	The Dufferin-Peel Roman Catholic Separate School Board/Conseil des écoles séparées catholiques de Dufferin & Peel	English-language Separate District School Board No. 43  Conseil de district des écoles séparées de langue française n° 64
12.	The Wentworth County Board of Education	English-language Public District School Board No. 21  Conseil de district des écoles publiques de langue française n° 58
13.	The Hamilton-Wentworth Roman Catholic Separate School Board/Le conseil des écoles séparées catholiques romaines de Hamilton-Wentworth	English-language Separate District School Board No. 47  Conseil de district des écoles séparées de langue française n° 64
14.	Le Conseil des écoles publiques d'Ottawa-Carleton	Conseil de district des écoles publiques de langue française n° 59
15.	Conseil des écoles catholiques de langue française de la région d'Ottawa-Carleton	Conseil de district des écoles séparées de langue française n° 66

## COMPTES CONJOINTS DE REDEVANCES D'AMÉNAGEMENT SCOLAIRES

23. (1) Pour chaque compte conjoint de redevances d'exploitation relatives à l'éducation que détiennent, le 31 décembre 1997, d'anciens conseils dont le nom figure à la colonne 1 du tableau de l'article 22, les conseils qui leur succèdent constituent un compte de redevances d'aménagement scolaires qu'ils détiennent conjointement.

(2) Si, aux termes de l'ancienne loi, les sommes perçues aux termes d'un règlement scolaire prévoyant l'imposition de redevances d'exploitation relatives à l'éducation étaient déposées dans un compte conjoint de redevances d'exploitation relatives à l'éducation, les sommes versées aux termes du règlement prorogé aux termes de l'article 257.103 de la Loi sont déposées dans le compte de redevances d'aménagement scolaires correspondant constitué aux termes du paragraphe (1).

(3) L'ancienne loi et le Règlement 268 des Règlements refondus de l'Ontario de 1990, tels qu'ils existaient le 31 janvier 1998, continuent de s'appliquer, avec les adaptations suivantes et avec toute autre adaptation nécessaire, aux comptes conjoints de redevances d'aménagement scolaires constitués aux termes du paragraphe (1) :

1. Pour l'application du paragraphe 5 (7) du Règlement 268 des Règlements refondus de l'Ontario de 1990, tel qu'il existait le 31 janvier 1998, la mention du paragraphe 11 (3) de la *Loi sur l'éducation* est réputée la mention de l'article 234 de cette loi.

(4) Les règles suivantes s'appliquent, en cas d'abrogation ou d'expiration du règlement de redevances d'aménagement scolaires, si les sommes versées aux termes de ce règlement devaient, avant l'abrogation ou l'expiration, être déposées dans le compte de redevances d'aménagement scolaires constitué aux termes du paragraphe (1) :

1. Le conseil qui succède à l'autre et dont le règlement est abrogé ou a expiré constitue un fonds de réserve de redevances d'amé-

gement scolaires pour le secteur auquel s'appliquait le règlement.

2. Si, après l'abrogation ou l'expiration, aucune somme perçue aux termes du règlement de redevances d'aménagement scolaires d'un autre conseil ne doit être déposée dans le compte de redevances d'aménagement scolaires, l'excédent ou le déficit du compte est traité conformément au paragraphe (5).

(5) L'excédent ou le déficit du compte de redevances d'aménagement scolaires visé à la disposition 2 du paragraphe (4) est viré au fonds de réserve de redevances d'aménagement scolaires, constitué aux termes de la disposition 1 du paragraphe (4), des conseils qui succèdent à l'autre et qui ont constitué le compte de redevances d'aménagement scolaires. Les sommes virées au fonds de réserve de chaque conseil sont proportionnelles au nombre d'élèves qui fréquentent les écoles du conseil au 31 août 1998 dans le secteur auquel s'appliquait le règlement de redevances d'aménagement scolaires le 1<sup>er</sup> février 1998.

(6) Pour l'application de la disposition 5 de l'article 7, s'il existe un compte conjoint de redevances d'aménagement scolaires pour un secteur dans lequel des redevances d'aménagement scolaires doivent être imposées aux termes d'un nouveau règlement de redevances d'aménagement scolaires, le solde estimé par le conseil correspond à l'estimation de l'excédent ou du déficit qui sera viré au conseil aux termes du paragraphe (5).

(7) Pour l'application des dispositions visées au paragraphe 257.103 (3) de la Loi, les mentions à ces dispositions d'un fonds de réserve de redevances d'aménagement scolaires sont réputées des mentions d'un compte de réserve de redevances d'exploitation relatives à l'éducation.

## RAPPORTS MENSUELS SUR LES RÈGLEMENTS PROROGÉS

24. Les règles suivantes s'appliquent aux rapports exigés aux termes de l'article 257.97 de la Loi, tel qu'il s'applique aux termes du paragraphe 257.103 (3) de la Loi :

1. La période sur laquelle doit porter le rapport est celle visée au paragraphe 37 (5) de l'ancienne loi.
2. Les renseignements que doit contenir le rapport sont ceux prescrits aux termes de l'article 14 du Règlement 268 des Règlements refondus de l'Ontario de 1990, tel qu'il existait le 31 janvier 1998.

## ANNEXE (RÉGIONS)

## Nord de l'Ontario

1. Le territoire de compétence de l'ancien conseil appelé Atikokan Board of Education tel qu'il existait le 31 décembre 1997.
2. Le territoire de compétence de l'ancien conseil appelé Beardmore, Geraldton, Longlac and Area Board of Education tel qu'il existait le 31 décembre 1997.
3. Le territoire de compétence de l'ancien conseil appelé Central Algoma Board of Education tel qu'il existait le 31 décembre 1997.
4. Le territoire de compétence de l'ancien conseil appelé Chapleau Board of Education tel qu'il existait le 31 décembre 1997.
5. Le territoire de compétence de l'ancien conseil appelé Cochrane-Iroquois Falls, Black River-Matheson Board of Education tel qu'il existait le 31 décembre 1997.
6. Le territoire de compétence de l'ancien conseil appelé Dryden Board of Education tel qu'il existait le 31 décembre 1997.



7. Le territoire de compétence de l'ancien conseil appelé East Parry Sound Board of Education tel qu'il existait le 31 décembre 1997.
8. Le territoire de compétence de l'ancien conseil appelé Espanola Board of Education tel qu'il existait le 31 décembre 1997.
9. Le territoire de compétence de l'ancien conseil appelé Fort Frances-Rainy River Board of Education tel qu'il existait le 31 décembre 1997.
10. Le territoire de compétence de l'ancien conseil appelé Hearst Board of Education tel qu'il existait le 31 décembre 1997.
11. Le territoire de compétence de l'ancien conseil appelé Horne-payne Board of Education tel qu'il existait le 31 décembre 1997.
12. Le territoire de compétence de l'ancien conseil appelé Kapuskasing-Smooth Rock Falls and District Board of Education tel qu'il existait le 31 décembre 1997.
13. Le territoire de compétence de l'ancien conseil appelé Kenora Board of Education tel qu'il existait le 31 décembre 1997.
14. Le territoire de compétence de l'ancien conseil appelé Kirkland Lake Board of Education tel qu'il existait le 31 décembre 1997.
15. Le territoire de compétence de l'ancien conseil appelé Lake Superior Board of Education tel qu'il existait le 31 décembre 1997.
16. Le territoire de compétence de l'ancien conseil appelé Lakehead Board of Education tel qu'il existait le 31 décembre 1997.
17. Le territoire de compétence de l'ancien conseil appelé Manitoulin Board of Education tel qu'il existait le 31 décembre 1997.
18. Le territoire de compétence de l'ancien conseil appelé Michipicoten Board of Education tel qu'il existait le 31 décembre 1997.
19. Le territoire de compétence de l'ancien conseil appelé Muskoka Board of Education tel qu'il existait le 31 décembre 1997.
20. Le territoire de compétence de l'ancien conseil appelé Nipigon-Red Rock Board of Education tel qu'il existait le 31 décembre 1997.
21. Le territoire de compétence de l'ancien conseil appelé Nipissing Board of Education tel qu'il existait le 31 décembre 1997.
22. Le territoire de compétence de l'ancien conseil appelé North Shore Board of Education tel qu'il existait le 31 décembre 1997.
23. Le territoire de compétence de l'ancien conseil appelé Red Lake Board of Education tel qu'il existait le 31 décembre 1997.
24. Le territoire de compétence de l'ancien conseil appelé Sault Ste. Marie Board of Education tel qu'il existait le 31 décembre 1997.
25. Le territoire de compétence de l'ancien conseil appelé Sudbury Board of Education tel qu'il existait le 31 décembre 1997.
26. Le territoire de compétence de l'ancien conseil appelé Timiskaming Board of Education tel qu'il existait le 31 décembre 1997.
27. Le territoire de compétence de l'ancien conseil appelé Timmins Board of Education tel qu'il existait le 31 décembre 1997.

28. Le territoire de compétence de l'ancien conseil appelé West Parry Sound Board of Education tel qu'il existait le 31 décembre 1997.
29. Dans le district territorial de Nipissing, le canton de Airy et les cantons géographiques de Sabine, de Murchison, de Lyell et de Dickens.

## Comtés

30. Le comté de Brant.
31. Le comté de Bruce.
32. Le comté de Dufferin.
33. Le comté d'Elgin.
34. Le comté d'Essex, à l'exclusion de la cité de Windsor et y compris le canton de Pelee.
35. Le comté de Frontenac.
36. Le comté de Grey.
37. Le comté de Haliburton.
38. Le comté de Hastings.
39. Le comté de Huron.
40. Le comté de Kent.
41. Le comté de Lambton.
42. Le comté de Lanark.
43. Les comtés unis de Leeds et Grenville.
44. Le comté de Lennox and Addington.
45. Le comté de Middlesex, à l'exclusion de la cité de London.
46. Le comté de Northumberland et la municipalité de Clarington située dans la municipalité régionale de Durham.
47. Le comté d'Oxford.
48. Le comté de Perth.
49. Le comté de Peterborough.
50. Les comtés unis de Prescott et Russell.
51. Le comté de Prince Edward.
52. Le comté de Renfrew.
53. Le comté de Simcoe.
54. Les comtés unis de Stormont, Dundas et Glengarry.
55. Le comté de Victoria.
56. Le comté de Wellington.

## Municipalités régionales

57. La municipalité régionale de Durham, à l'exclusion de la municipalité de Clarington.

58. La partie de la municipalité régionale de Haldimand-Norfolk qui, le 31 décembre 1997, constituait la division scolaire du conseil appelé The Haldimand County Board of Education.
59. La partie de la municipalité régionale de Haldimand-Norfolk qui, le 31 décembre 1997, constituait la division scolaire du conseil appelé The Norfolk County Board of Education.
60. La municipalité régionale de Halton.
61. La municipalité régionale de Hamilton-Wentworth, à l'exclusion de la cité de Hamilton.
62. La partie de la municipalité régionale de Niagara qui, le 31 décembre 1997, constituait la division scolaire du conseil appelé The Lincoln County Board of Education.
63. La partie de la municipalité régionale de Niagara qui, le 31 décembre 1997, constituait la division scolaire du conseil appelé The Niagara South Board of Education.
64. La municipalité régionale d'Ottawa-Carleton, à l'exclusion de la cité d'Ottawa, de la cité de Vanier et du village de Rockcliffe Park.

65. La municipalité régionale de Peel.
66. La municipalité régionale de Waterloo.
67. La municipalité régionale de York.

## Cités

68. La cité de Hamilton.
69. La cité de London.
70. La cité d'Ottawa, la cité de Vanier et le village de Rockcliffe Park.
71. La cité de Toronto telle qu'elle existait le 1<sup>er</sup> janvier 1998.
72. La cité de Windsor.

17/98

**ONTARIO REGULATION 152/98**  
made under the  
**EDUCATION ACT**

Made: April 1, 1998  
Filed: April 9, 1998

Amending O. Reg. 497/97  
(Disposition of school sites)

Note: Ontario Regulation 497/97 has not previously been amended.

1. Ontario Regulation 497/97 is amended by adding the following French version:

**ALIÉNATION D'EMPLACEMENTS SCOLAIRES**

INTERPRÉTATION

1. (1) La définition qui suit s'applique au présent règlement.

«proposition» Proposition présentée par un conseil aux termes du paragraphe 2 (1).

(2) La mention, dans le présent règlement, d'un emplacement scolaire ou d'une partie de celui-ci est une mention d'un emplacement scolaire d'un conseil ou d'une partie de celui-ci auquel s'applique une résolution visée à l'alinéa 194 (3) a) de la Loi.

**OBLIGATION DE PRÉSENTER UNE PROPOSITION À CERTAINS  
ORGANISMES AVANT L'ALIÉNATION**

2. (1) Le conseil qui désire vendre, louer ou aliéner d'une autre façon un emplacement scolaire ou une partie de celui-ci présente au préalable et le même jour une proposition de vente ou de location de l'emplacement ou de la partie à chacun des organismes suivants :

**RÈGLEMENT DE L'ONTARIO 152/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 1<sup>er</sup> avril 1998  
déposé le 9 avril 1998

modifiant le Règl. de l'Ont. 497/97  
(Aliénation d'emplacements scolaires)

Remarque : Le Règlement de l'Ontario 497/97 n'a pas été modifié antérieurement.

1. Le Règlement de l'Ontario 497/97 est modifié par adjonction de la version française suivante :

1. Si le conseil qui présente la proposition est un conseil public, l'autre conseil public dont le territoire de compétence comprend l'emplacement ou la partie.
2. Si le conseil qui présente la proposition est un conseil catholique, l'autre conseil catholique dont le territoire de compétence comprend l'emplacement ou la partie.
3. Si le conseil qui présente la proposition dispense un enseignement en anglais au sens du paragraphe 58.1 (1) de la Loi, l'autre conseil qui dispense un tel enseignement et dont le territoire de compétence comprend l'emplacement ou la partie.
4. Si le conseil qui présente la proposition dispense un enseignement en français au sens du paragraphe 58.1 (1) de la Loi, l'autre conseil qui dispense un tel enseignement et dont le territoire de compétence comprend l'emplacement ou la partie.
5. L'autre conseil dont le territoire de compétence comprend l'emplacement ou la partie.
6. Si la proposition est présentée avant le 1<sup>er</sup> septembre 1998, la Société immobilière de l'Ontario maintenue aux termes de la Loi de 1993 sur le plan d'investissement.



7. Si le conseil qui présente la proposition est un conseil public de langue anglaise ou un conseil catholique de langue anglaise, le collège d'arts appliqués et de technologie de langue anglaise nommé dans le Règlement 771 des Règlements refondus de l'Ontario de 1990 pris en application de la *Loi sur le ministère des Collèges et Universités* pour le secteur dans lequel est situé l'emplacement ou la partie.
  8. Si le conseil qui présente la proposition est un conseil scolaire de district de langue française, le collège d'arts appliqués et de technologie de langue française nommé dans le Règlement 771 des Règlements refondus de l'Ontario de 1990 pris en application de la *Loi sur le ministère des Collèges et Universités* pour le secteur dans lequel est situé l'emplacement ou la partie.
  9. L'autre collège d'arts appliqués et de technologie nommé dans le Règlement 771 des Règlements refondus de l'Ontario de 1990 pris en application de la *Loi sur le ministère des Collèges et Universités* pour le secteur dans lequel est situé l'emplacement ou la partie.
  10. L'université mentionnée à l'article 9 dont le siège social est situé le plus près de l'emplacement ou de la partie.
  11. La municipalité dans laquelle est situé l'emplacement ou la partie.
  12. La municipalité régionale, la municipalité de district de Muskoka ou le comté d'Oxford, si l'emplacement ou la partie est situé dans une municipalité régionale, la municipalité de district de Muskoka ou le comté d'Oxford.
  13. La Couronne du chef de l'Ontario.
  14. La Couronne du chef du Canada.
- (2) Un organisme qui est visé aux dispositions 11 à 14 du paragraphe (1) et auquel est présenté une proposition peut renvoyer celle-ci :
- a) s'il s'agit d'une municipalité, d'une municipalité régionale, de la municipalité de district de Muskoka ou du comté d'Oxford, à n'importe lequel de ses conseils locaux;
  - b) s'il s'agit de la Couronne du chef de l'Ontario ou de la Couronne du chef du Canada, à n'importe lequel de ses organismes, conseils ou commissions.

(3) La définition qui suit s'applique à l'alinéa (2) a).

«conseil local» S'entend au sens de l'article 1 de la *Loi sur les affaires municipales*. Sont toutefois exclus de la présente définition les conseils scolaires.

3. (1) Sous réserve des paragraphes (2) et (3), une proposition offre de vendre ou de louer un emplacement scolaire ou une partie de celui-ci à la juste valeur marchande.

(2) Une proposition présentée avant le 1<sup>er</sup> septembre 1998 à un organisme qui est visé aux dispositions 1 à 6 du paragraphe 2 (1) et auquel une proposition doit être présentée offre de vendre ou de louer un emplacement scolaire ou une partie de celui-ci sans contrepartie.

(3) Le 1<sup>er</sup> septembre 1998 ou après cette date, une proposition portant sur un emplacement scolaire qui fournit ou est en mesure de fournir des installations d'accueil pour les élèves ou sur une partie de celui-ci et qui est présentée ou renvoyée en vertu de l'article 2 à n'importe lequel des organismes visés au paragraphe (4) offre de vendre ou de louer l'emplacement ou la partie à un prix qui correspond au moins de la juste valeur marchande et d'un montant égal à la capacité du bâtiment qui se trouve sur l'emplacement ou la partie multipliée par la subvention géné-

rale accordée pour chaque nouvelle place au conseil qui présente la proposition.

(4) Les organismes visés au paragraphe (3) sont les suivants :

1. Un conseil qui est visé aux dispositions 1 à 5 du paragraphe 2 (1) et auquel une proposition doit être présentée.
2. Une école qui est maintenue ou ouverte en vertu de l'article 13 de la Loi et qui offre un programme d'études élémentaires ou un programme conduisant à l'obtention d'un diplôme d'études secondaires.
3. Un établissement de soins et de traitement qui est financé par des fonds publics et dans lequel un conseil offre un programme d'études élémentaires ou un programme conduisant à l'obtention d'un diplôme d'études secondaires.

(5) La définition qui suit s'applique au paragraphe (3).

«capacité» Le nombre de places déterminé par le ministre aux fins du calcul des subventions générales accordées pour des nouvelles places. Relativement à un emplacement scolaire qui fournit ou est en mesure de fournir des installations d'accueil pour les élèves de l'élémentaire ou à une partie de celui-ci, s'entend de la capacité d'accueil au niveau élémentaire et, relativement à un emplacement qui fournit ou est en mesure de fournir des installations d'accueil pour les élèves du secondaire ou à une partie de celui-ci, s'entend de la capacité d'accueil au niveau secondaire.

(6) La proposition de location d'un emplacement scolaire ou d'une partie de celui-ci précise la durée du bail.

#### OFFRES ET CONVENTIONS SUIVANT LA PRÉSENTATION D'UNE PROPOSITION

4. (1) Un conseil ne doit accepter aucune offre d'acquisition, notamment une offre d'achat ou de location, d'un emplacement scolaire ou d'une partie de celui-ci qui fait l'objet d'une proposition avant l'expiration d'un délai de 90 jours après le jour où il a présenté la proposition.

(2) À l'expiration du délai de 90 jours visé au paragraphe (1), la seule offre que le conseil peut accepter, sous réserve des paragraphes (4) à (6), est une offre d'achat ou de location de l'emplacement scolaire ou de la partie de celui-ci qui :

- a) si elle est présentée en réponse à une proposition visée au paragraphe 3 (1), (2) ou (3), est faite à la juste valeur marchande, sans contrepartie ou au prix déterminé aux termes du paragraphe 3 (3), selon le cas;
- b) est présentée par l'organisme auquel la proposition a été présentée et qui est visé à la disposition du paragraphe 2 (1) dont le numéro est le moins élevé.

(3) Pour l'application de l'alinéa (2) b), l'organisme auquel la proposition a été présentée comprend l'organisme auquel la proposition est renvoyée en vertu du paragraphe 2 (2).

(4) Si le conseil et l'organisme dont il peut accepter l'offre ne sont pas d'accord sur le prix qui correspond à la juste valeur marchande de l'emplacement scolaire ou de la partie de celui-ci :

- a) ils tentent, dans les 30 jours du délai de 90 jours visé au paragraphe (1), de négocier un prix qui, selon ce qu'ils conviennent, correspond à la juste valeur marchande de l'emplacement ou de la partie et l'organisme modifie son offre pour tenir compte du prix convenu;
- b) s'ils ne peuvent convenir aux termes de l'alinéa a) du prix qui correspond à la juste valeur marchande de l'emplacement ou de

la partie, l'organisme qui présente l'offre peut, au plus tard à la fin du délai de 30 jours visé à l'alinéa a) :

- (i) soit retirer son offre,
- (ii) soit choisir de faire déterminer ce prix par voie d'arbitrage exécutoire, auquel cas il doit modifier son offre conformément au prix déterminé par l'arbitre;
- c) s'il n'est convenu d'aucun prix aux termes de l'alinéa a) à la fin du délai de 30 jours visé à cet alinéa ou que l'organisme retire son offre ou ne choisit pas l'arbitrage exécutoire en vertu de l'alinéa b), le conseil peut étudier à la place l'offre de l'organisme auquel la proposition a été présentée qui est visé à la disposition suivante du paragraphe 2 (1) dont le numéro est le moins élevé et dont l'offre est conforme aux exigences du paragraphe (2), sauf pour ce qui est de l'exigence prévue à l'alinéa (2) b).
- (5) Le paragraphe (4) s'applique à chaque offre subséquente que le conseil étudie en vertu de l'alinéa (4) c), sauf que la mention du délai de 90 jours s'entend du jour où le conseil agit en vertu de l'alinéa (4) c).
- (6) Les paragraphes (4) et (5) s'appliquent aux offres suivantes :
  - a) une offre présentée en réponse à une proposition visée au paragraphe 3 (1);
  - b) une offre présentée en réponse à une proposition visée au paragraphe 3 (3), sauf si l'offre se rapporte au montant calculé visé au paragraphe 3 (3).
- 5. (1) Une convention de vente ou de location d'un emplacement scolaire ou d'une partie de celui-ci à un conseil visé à la disposition 1 du paragraphe 3 (4) à la suite d'une proposition visée au paragraphe 3 (3) est assorti d'une condition voulant que si le conseil n'utilise pas l'emplacement ou la partie pour fournir des installations d'accueil pour les élèves qui peuvent être inclus dans le calcul des subventions générales accordées pour des nouvelles places pour toute période de 12 mois consécutifs dans les 25 ans de la vente ou du début de la location :

- a) dans le cas d'une vente, le conseil offre au conseil auquel il a acheté l'emplacement ou la partie de le lui revendre au prix qu'il lui a payé, dans le délai précisé dans la convention;
- b) dans le cas d'une location, la location prend fin le jour précisé dans la convention.
- (2) L'offre de vente d'un emplacement scolaire ou d'une partie de celui-ci présentée aux termes de l'alinéa (1) a), la vente qui en découle ou la fin de la location visée à l'alinéa (1) b) n'équivaut pas à la fermeture de l'école.

(3) Le présent article ne s'applique que dans les cas où le montant calculé visé au paragraphe 3 (3) est inférieur à la juste valeur marchande de l'emplacement scolaire ou de la partie de celui-ci au moment où la proposition est présentée.

#### ALIÉNATION EN FAVEUR D'AUTRES ORGANISMES OU PERSONNES APRÈS LA CLÔTURE DES PROPOSITIONS

6. (1) S'il ne reçoit pas d'offre conforme à l'alinéa 4 (2) a) d'un organisme auquel une proposition est présentée ou renvoyée en vertu de l'article 2 avant l'expiration du délai de 90 jours visé au paragraphe 4 (1), le conseil peut, sous réserve des paragraphes (2) et (3), vendre, louer ou aliéner d'une autre façon l'emplacement scolaire ou la partie de celui-ci à la juste valeur marchande en faveur de tout autre organisme ou de toute personne.

(2) Si la proposition visée au paragraphe (1) ne se rapporte qu'à la location d'un emplacement scolaire ou d'une partie de celui-ci, le

conseil qui a présenté la proposition peut, en vertu du paragraphe (1), louer, mais non vendre ni aliéner d'une autre façon, l'emplacement ou la partie, et la durée du bail est celle qui est précisée dans la proposition.

(3) Un conseil ne doit vendre, louer ou aliéner d'une autre façon un emplacement scolaire ou une partie de celui-ci en vertu du paragraphe (1) que s'il fournit une preuve écrite, jugée satisfaisante par le ministre, de ce qui suit :

- a) il a présenté au préalable une proposition de vente ou de location de l'emplacement ou de la partie à chaque organisme auquel une proposition doit être présentée aux termes du paragraphe 2 (1);
- b) il n'a reçu aucune offre conforme à l'alinéa 4 (2) a) d'un organisme auquel la proposition a été présentée ou renvoyée en vertu de l'article 2 avant l'expiration du délai de 90 jours visé au paragraphe 4 (1).

(4) Pour l'application des paragraphes (1) et (3), une offre est conforme à l'alinéa 4 (2) a) dans la mesure où elle serait jugée ainsi aux termes des paragraphes 4 (4) et (5) si ces dispositions étaient appliquées à l'offre.

#### DISPOSITIONS DIVERSES

7. (1) Un conseil place le produit de toutes les ventes, locations ou autres aliénations d'emplacements scolaires ou de parties de ceux-ci dans son fonds de réserve pour les installations d'accueil pour les élèves.

(2) Un conseil peut retirer de son fonds de réserve pour les installations d'accueil pour les élèves une somme qui ne dépasse pas le montant du produit placé dans le fonds aux termes du paragraphe (1) et les intérêts sur ce produit afin d'acheter, de louer ou d'acquérir d'une autre façon un emplacement scolaire ou une partie de celui-ci pour fournir des installations d'accueil pour les élèves.

8. Le conseil qui ne vend, ni loue ni aliène d'une autre façon un emplacement scolaire ou une partie de celui-ci dans les trois ans de l'expiration du délai de 90 jours visé au paragraphe 4 (1) et qui désire le faire doit présenter une nouvelle proposition.

9. Les universités visées à la disposition 10 du paragraphe 2 (1) sont les suivantes :

Brock University

Carleton University

Lakehead University

Laurentian University of Sudbury/Université Laurentienne de Sudbury

McMaster University

Nipissing University

Ontario College of Art

Queen's University at Kingston

Ryerson Polytechnic University

The University of Western Ontario

Trent University

University of Guelph

University of Ottawa/Université d'Ottawa

University of Toronto

University of Waterloo

Wilfrid Laurier University

University of Windsor

York University

DAVID JOHNSON  
 Minister of Education and Training  
 Ministre de l'Éducation et de la Formation

Dated on April 1, 1998.  
 Fait le 1<sup>er</sup> avril 1998.

17/98

**ONTARIO REGULATION 153/98**  
 made under the  
**ENVIRONMENTAL ASSESSMENT ACT**

Made: April 8, 1998  
 Filed: April 9, 1998

**EFW FACILITY AT 7656 BRAMALEA ROAD,  
 BRAMPTON**

1. Any enterprise or activity of changing the operation of or expanding the energy from waste facility at 7656 Bramalea Road in the City of Brampton, including all related steam or electrical energy transformation or transmission facilities, is defined as a major commercial or business enterprise or activity and is designated as an undertaking to which the Act applies.

17/98

**ONTARIO REGULATION 154/98**  
 made under the  
**ONTARIO WATER RESOURCES ACT**

Made: April 8, 1998  
 Filed: April 9, 1998

Amending O. Reg. 435/93  
 (Water Works and Sewage Works)

Note: Ontario Regulation 435/93 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 2 (4) of Ontario Regulation 435/93 is revoked and the following substituted:

(4) Despite subsection (1), this Regulation does not apply to sewage works described in clause 53 (6) (a) of the Act if,

- (a) the sewage works have a design capacity in excess of 10,000 litres per day;
- (b) more than one sewage works is located on a lot or parcel of land and they have, in total, a design capacity in excess of 10,000 litres per day; or
- (c) the sewage works are not located wholly within the boundaries of the lot or parcel of land on which is located the residence or other building or facility served by the works.

17/98

**ONTARIO REGULATION 155/98**  
 made under the  
**ONTARIO WATER RESOURCES ACT**

Made: April 8, 1998  
 Filed: April 9, 1998

**TRANSITIONAL PROVISIONS RELATING TO THE  
 REPEAL OF PART VIII OF THE ENVIRONMENTAL  
 PROTECTION ACT**

1. If, before the repeal of Part VIII of the *Environmental Protection Act*, an agreement with respect to the administration of Part VIII of that Act was entered into under clause 4 (1) (j) of that Act or section 81 of that Act, the agreement continues in force, despite the repeal of Part VIII of that Act, for the purpose of,

- (a) the issuance of permits referred to in clause 53.1 (2) (b) of the *Ontario Water Resources Act*;
- (b) unexpired rights of appeal referred to in paragraph 2 or 3 of subsection 53.1 (6) of the *Ontario Water Resources Act*; and
- (c) appeals referred to in paragraph 4 of subsection 53.1 (6) of the *Ontario Water Resources Act*.

2. (1) Every conservation authority that entered into an agreement referred to in section 1 under clause 4 (1) (j) of the *Environmental Protection Act* shall,

- (a) keep all records in its possession or under its control with respect to matters continued under section 53.1 of the *Ontario Water Resources Act* for a period of six years from the date of the repeal of Part VIII of the *Environmental Protection Act*;
- (b) on the written request of the Director, deliver to the Director a record or certified copy of a record relating to Part VIII of the *Environmental Protection Act* as specified in the request;
- (c) on the written request of the Director, deliver to the Director a certificate as to the service of any document relating to Part VIII of the *Environmental Protection Act* as specified in the request;
- (d) on the written request of the Director, deliver to the Director a certificate as to the custody of any document relating to Part VIII of the *Environmental Protection Act* as specified in the request; and
- (e) on the written request of the Director, deliver to the Director a certificate as to whether or not any document relating to Part VIII of the *Environmental Protection Act* as specified in the request was received or issued.

(2) A record, certified copy of a record or a certificate delivered under clause (1) (b) or (c) that is or relates to an approval, certificate, consent, licence, notice, permit, order or return under Part VIII of the *Environmental Protection Act* shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 115 of the *Ontario Water Resources Act*.

(3) A certificate delivered under clause (1) (d) or (e) shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 115 of the *Ontario Water Resources Act*.

3. No fee is payable under Ontario Regulation 503/93 with respect to an application referred to in paragraph 1 of subsection 53.1 (6) of the *Ontario Water Resources Act*.

4. The reference in section 1 of this Regulation to section 81 of the *Environmental Protection Act* is a reference to that section as it read immediately before the repeal of Part VIII of that Act under Schedule B to the *Services Improvement Act, 1997*.

17/98

**ONTARIO REGULATION 156/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: April 8, 1998

Filed: April 9, 1998

**TRANSITIONAL PROVISIONS RELATING TO THE  
REPEAL OF PART VIII OF THE ACT**

1. If, before the repeal of Part VIII of the Act, an agreement with respect to the administration of Part VIII of the Act was entered into under clause 4 (1) (j) of the Act or section 81 of the Act, the agreement continues in force, despite the repeal of Part VIII of the Act, for the purpose of,

- (a) unexpired rights of appeal referred to in paragraph 2 or 3 of subsection 28 (4) of the Act; and
- (b) appeals referred to in paragraph 4 of subsection 28 (4) of the Act.

2 (1) Every conservation authority that entered into an agreement referred to in section 1 under clause 4 (1) (j) of the Act shall,

- (a) keep all records in its possession or under its control with respect to matters continued under section 28 of the Act for a period of six years from the date of the repeal of Part VIII of the Act;
- (b) on the written request of the Director, deliver to the Director a record or certified copy of a record relating to Part VIII of the Act as specified in the request;
- (c) on the written request of the Director, deliver to the Director a certificate as to the service of any document relating to Part VIII of the Act as specified in the request;
- (d) on the written request of the Director, deliver to the Director a certificate as to the custody of any document relating to Part VIII of the Act as specified in the request; and
- (e) on the written request of the Director, deliver to the Director a certificate as to whether or not any document relating to Part VIII of the Act as specified in the request was received or issued.

(2) A record, certified copy of a record or a certificate delivered under clause (1) (b) or (c) that is or relates to an approval, certificate, consent, licence, notice, permit, order or return under Part VIII of the

Act shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 175 of the Act.

(3) A certificate delivered under clause (1) (d) or (e) shall be deemed to be an official document signed by an employee in the Ministry for the purpose of section 175 of the Act.

3. A licence under section 80 of the Act is continued in force as if it were a certificate of approval under section 39 of the Act for a waste management system if, before the repeal of Part VIII of the Act, the holder of the licence stored, hauled or disposed of sewage from a sewage system pursuant to the licence.

4. (1) If a certificate of approval, permit or licence is continued in force under subsection 28 (2) of the Act or section 3 of this Regulation as if it were a certificate of approval under section 39 of the Act for a waste disposal site or for a waste management system that includes a waste disposal site, a person shall not dispose of waste at the site unless,

- (a) the person has filed a notice with the Director, on a form provided by the Director, that specifies the location of the site; and
- (b) if the certificate of approval, permit or licence was issued under Part VIII of the Act before January 1, 1997, waste was disposed of pursuant to the certificate of approval, permit or licence after January 1, 1994 and before the repeal of Part VIII of the Act.

(2) If a certificate of approval, permit or licence is continued in force under subsection 28 (2) of the Act or section 3 of this Regulation as if it were a certificate of approval under section 39 of the Act for a waste management system, a person shall not haul waste by means of the system unless the operator of the system has filed a notice with the Director for that purpose on a form provided by the Director.

5. No fee is payable under Ontario Regulation 502/92 with respect to an application referred to in paragraph 1 of subsection 28 (4) of the Act or a notice filed under section 4 of this Regulation.

6. The references in this Regulation to sections 80 and 81 of the Act are references to those provisions as they read immediately before the repeal of Part VIII of the Act under Schedule B to the *Services Improvement Act, 1997*.

17/98

**ONTARIO REGULATION 157/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: April 8, 1998

Filed: April 9, 1998

Amending Reg. 347 of R.R.O. 1990  
(General—Waste Management)

Note: Since January 1, 1997, Regulation 347 has been amended by Ontario Regulation 128/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) The definition of "hailed sewage" in section 1 of Regulation 347 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

"hailed sewage" means,

- (a) domestic waste that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste or laundry waste, and
- (b) other waste that is suitable for storage, treatment or disposal in a sewage system regulated under Part 8 of the building code made

under the *Building Code Act, 1992*, if the waste is not fully disposed of at the site where it is produced, other than,

- (i) waste from a sewage works approved under section 53 of the *Ontario Water Resources Act* that is conveyed away from the site where it is produced by a sewer approved under that section, or
- (ii) waste in a vehicle sewage holding tank;

**(2) Section 1 of the Regulation is amended by adding the following definitions:**

"in-vehicle sewage" means waste produced in a vehicle that is human body waste, toilet or other bathroom waste, waste from other showers or tubs, liquid or water borne culinary or sink waste, laundry waste or similar waste that would normally be carried away by a sewer if it were not produced in a vehicle;

"vehicle" includes a rail car;

"vehicle sewage holding tank" means a device permanently mounted in or on a vehicle to receive in-vehicle sewage produced in the vehicle;

**2. Subsection 2 (1) of the Regulation is amended by adding the following paragraph:**

- 15. Hauled sewage.
- 3. Paragraph 4 of subsection 3 (1) of the Regulation is revoked.
- 4. The Regulation is amended by adding the following section:
- 7. Section 27 of the Act does not apply to vehicle sewage holding tanks.

**5. The Regulation is amended by adding the following section:**

**14.1** The following are prescribed as standards for the location, maintenance and operation of waste disposal sites for hauled sewage:

- 1. A person shall not apply hauled sewage in any manner that permits it to enter a watercourse or drainage ditch.
- 2. A person shall not apply hauled sewage in any manner that results in runoff leaving the site.
- 3. If the operator of a proposed site is not the owner of the land on which the site is to be located, the operator must, before applying for a certificate of approval for the site, obtain written authorization from the owner for the proposed use of the site.

**6. (1) Subsection 16 (1) of the Regulation is amended by adding the following paragraphs:**

- 12. If the waste management system is used for hauled sewage, the operator of the system shall ensure that every tank used for the transportation of hauled sewage has inscribed in plain view the words "Sewage Waste" in letters that are at least 15 centimetres in height, unless the tank bears a company designation in letters of at least that height that clearly indicates the nature of the contents.
- 13. If the waste management system is used for hauled sewage, the operator of the system shall ensure that any part of the system that comes into contact with hauled sewage is not used for the collection, handling, treatment, transportation, storage or processing of

any material other than hauled sewage or a material approved in writing by the Director.

- 14. A person shall not discharge or permit the discharge of hauled sewage from a tank that is part of a waste management system to the ground except in accordance with terms and conditions contained in a certificate of approval, provisional certificate of approval or order.

**(2) Section 16 of the Regulation is amended by adding the following subsections:**

- (3) Paragraph 13 of subsection (1) does not apply if,
  - (a) the part of the waste management system that came into contact with hauled sewage is not used for the collection, handling, treatment, transportation, storage or processing of hazardous waste, hauled liquid industrial waste or liquids for human or animal consumption;
  - (b) the part of the system that came into contact with hauled sewage is used for the collection, handling, treatment, transportation, storage or processing of other liquid material and the owner or operator of the system obtains every approval required for that purpose; and
  - (c) the part of the system that came into contact with hauled sewage is cleaned, to the satisfaction of any person to whom the other liquid material will be transferred, before that part of the system is used for the collection, handling, treatment, transportation, storage or processing of the other liquid material.

(4) If, pursuant to subsection (3), a part of a waste management system that came into contact with hauled sewage is used for the collection, handling, treatment, transportation, storage or processing of other liquid material, a person shall not use that part of the system again for hauled sewage unless it, and any other part of the system that was contaminated during the collection, handling, treatment, transportation, storage or processing of the other liquid material, has been cleaned to the satisfaction of the Director.

(5) The operator of a waste management system for hauled sewage shall,

- (a) keep daily records of the premises from which hauled sewage is collected and the amounts of sewage collected from those premises;
- (b) keep daily records of the disposal site or disposal sites at which hauled sewage is discharged or disposed of and the amounts of hauled sewage discharged or disposed of at those sites; and
- (c) keep the daily records required by clauses (a) and (b) available for review by the Director, as the Director may require, for a period of at least two years after the calendar year to which the records relate.

**7. The Regulation is amended by adding the following section:**

**16.1** The following are prescribed as standards for the operation and maintenance of vehicle sewage holding tanks:

- 1. A person shall not discharge or permit the discharge of effluent from a vehicle sewage holding tank to the surface of the ground or into ground water, surface water, a piped water supply, a well water supply, a watercourse or a drainage ditch.
- 2. A person shall not discharge or permit the discharge of effluent from a vehicle sewage holding tank except from a place on or part of the tank, or from a piping system connected to the tank, that is designed to discharge effluent.

3. The owner and the operator of a vehicle sewage holding tank shall ensure that insects and animals are prevented from gaining access to sewage in the tank.
4. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank does not discharge micro organisms of intestinal origin into the natural environment in a manner that may be hazardous to human health.
5. The owner and the operator of a vehicle sewage holding tank shall ensure that no gas is discharged into a building or structure from the tank or a piping system connected to the tank except in a manner for which the tank or piping system was designed.
6. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank does not receive any waste other than in-vehicle sewage produced in the vehicle.
7. The owner and the operator of a vehicle sewage holding tank shall ensure that the tank and any piping system connected to the tank are maintained in good operating condition.

17/98

**ONTARIO REGULATION 158/98**  
made under the  
**PLANNING ACT**

Made: April 6, 1998  
Filed: April 9, 1998

Amending O. Reg. 414/86  
(Zoning Areas—Territorial District of Thunder Bay,  
Geographic Township of Ware)

Note: Ontario Regulation 414/86 has not been amended in 1997 or 1998. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. (1) Section 1 of Ontario Regulation 414/86 is amended by adding the following definition:**

“aggregate resource potential” means an area with high or moderate aggregate potential as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 139a and 140a.

**(2) The definition of “extractive industrial use” in section 1 of the Regulation is amended by adding after “the extraction” in the second line “or processing”.**

**(3) Section 1 of the Regulation is amended by adding the following definitions:**

“MDS I” means the criteria set out in *Minimum Distance Separation I (MDS I)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;

“MDS II” means the criteria set out in *Minimum Distance Separation II (MDS II)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;

“sensitive land use” means a temporary or permanent residential use, a playground, a daycare centre, an educational or health care facility and any associated amenity areas or outdoor spaces.

**(4) Section 1 of the Regulation is amended by adding the following subsection:**

(2) The publications *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)* are available for inspection by the public at the office of the Lakehead Rural Planning Board in Murillo, District of Thunder Bay.

**2. Section 4 of the Regulation is revoked and the following substituted:**

4. For the purposes of this Order, all the land in the geographic Township of Ware is divided into the zones listed in the Table to this section as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 139a and 140a. The zones are designated on the maps as set out in the Table.

TABLE

Zone	Symbol on Map
Aggregate Resource Potential	AP
Disposal Industrial	M3
Extractive Industrial	M2
General Commercial	CG
General Industrial	M1
Institutional	I
Recreational	R
Rural	RU
Use Limitation	UL

**3. Section 17 of the Regulation is revoked and the following substituted:**

17. No building or structure shall be erected, located or used within 90 metres of an Aggregate Resource Potential Zone or an Extractive Industrial Zone as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 139a and 140a.

**4. Subsection 23 (1) of the Regulation is amended by striking out “and” at the end of clause (e), adding “and” at the end of clause (f) and adding the following clause:**

(g) waste disposal sites.

**5. (1) Subsection 24 (3) of the Regulation is revoked and the following substituted:**

(3) No land shall be used and no building or structure shall be erected, located or used for livestock operations or for the expansion of any livestock operations that exist on the day that Ontario Regulation 158/98 comes into force unless the use and the building or structure complies with MDS II.

**(2) Section 24 of the Regulation is amended by adding the following subsections:**

(5) No building or structure shall be erected, located or used unless the building or structure complies with MDS I.

(6) Despite subsection 23 (1), if a lot abuts an Aggregate Resource Potential Zone, no use shall be permitted within 90 metres of an abutting lot line other than uses that exist on the day that Ontario Regulation 158/98 comes into force.



(7) The small scale processing of forest products, including portable sawmill operations, is permitted if the following requirements are met:

1. The processing is located at least 120 metres away from a lot used for a sensitive land use or commercial use.
  2. The processing is not located within 30 metres of a road or a road allowance.
- (8) A waste disposal site shall not be located on a lot with a lot line that is located,
- (a) within 500 metres of a building, other than a building which is accessory to the waste disposal site;
  - (b) within 185 metres of a road or a road allowance; or
  - (c) within 30 metres of a watercourse, lake or pond.
- (9) A waste disposal site shall not be located on a lot that is covered by water or is subject to flooding.
- (10) Requirements for buildings and structures that are accessory to a waste disposal site are as follows:

1. Minimum lot frontage, 45 metres.
  2. Minimum distance from any lot line, 15 metres.
  3. Maximum lot coverage, 5 per cent.
  4. Maximum height, 12 metres.
- (11) A waste disposal site shall not be used for the disposal of toxic industrial waste or nuclear waste.

**6. Section 35 of the Regulation is amended by adding the following subsection:**

(4) No building or structure shall be located within 300 metres of a lot line of a lot used for an industrial use or a sensitive land use.

**7. Section 38 of the Regulation is revoked and the following substituted:**

**38.** (1) Every use of land and every erection, location or use of buildings or structures is prohibited except,

- (a) extractive industrial uses; and
  - (b) storage or processing of aggregates.
- (2) Despite subsection (1), aggregates shall not be excavated, processed or stored within 30 metres of,
- (a) a lot line, unless the adjacent lot is used for extractive industrial uses;
  - (b) a sensitive land use;
  - (c) a road or a road allowance.

(3) A quarry with blasting operations shall not be located within 450 metres of a sensitive land use or a commercial use.

**8. The Regulation is amended by adding the following Part:**

**PART IX.1**

**AGGREGATE RESOURCE POTENTIAL ZONES**

**45.1** This Part applies to the Aggregate Resource Potential (AP) Zones.

**45.2** Every use of land and every erection, location or use of buildings and structures is prohibited except,

- (a) forestry;
- (b) agriculture; and
- (c) fish and wildlife uses.

**9. This Regulation comes into force on April 27, 1998.**

KAREN SMITH  
Manager  
Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on April 6, 1998.

17/98

**ONTARIO REGULATION 159/98**  
made under the  
**PLANNING ACT**

Made: April 6, 1998  
Filed: April 9, 1998

Amending O. Reg. 219/75  
(Restricted Areas—District of Thunder Bay,  
Geographic Townships of Pearson and Scoble)

Note: Since January 1, 1997, Ontario Regulation 219/75 has been amended by Ontario Regulation 268/97. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. (1) Clause 1 (n) of Ontario Regulation 219/75 is revoked and the following substituted:**

(n) "industrial use" means the use of any land, building or structure for manufacturing, assembling, finishing, treating, altering, repairing, warehousing, storing, adapting or selling the goods, substance, article or thing manufactured and the storage of building and construction equipment and materials.

**(2) Section 1 of the Regulation is amended by adding the following clauses:**

- (p.1) "MDS I" means the criteria set out in *Minimum Distance Separation I (MDS I)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;
- (p.2) "MDS II" means the criteria set out in *Minimum Distance Separation II (MDS II)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;

. . . . .

- (s.1) "sensitive land use" means a temporary or permanent residential use, a playground, a daycare centre, an educational or health care facility and any associated amenity areas or outdoor spaces;

. . . . .

(v.1) "waste disposal site" means land approved by the Ministry of Environment and Energy as land upon, into or in which waste may be deposited or processed but does not include land used for the disposal of toxic industrial waste or nuclear waste.

**(3) Section 1 of the Regulation is amended by adding the following subsection:**

(2) The publications *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)* are available for inspection by the public at the office of the Lakehead Rural Planning Board in Murillo District of Thunder Bay.

**2. Section 10 of the Regulation is amended by adding the following clauses:**

- (i) waste disposal sites;
- (j) processing of forest products.

**3. Section 13 of the Regulation is amended by adding the following subsection:**

(2) No building or structure is permitted within 300 metres of a lot line of a lot used for an industrial use or a sensitive land use.

**4. The Regulation is amended by adding the following sections:**

**13.1 (1)** A waste disposal site shall not be located on a lot with a lot line that is located,

- (a) within 500 metres of a building, other than a building which is accessory to the waste disposal site;
- (b) within 185 metres of a road or a road allowance; or
- (c) within 30 metres of a watercourse, lake or pond.

(2) A waste disposal site shall not be located on a lot that is covered by water or is subject to flooding.

**13.2 (1)** No land shall be used and no building or structure shall be erected, located or used adjacent to an agricultural use unless the land use and the building or structure complies with MDS I.

(2) No land shall be used and no building or structure shall be erected, located or used for livestock operations for the expansion of any livestock operations that exist on the day that Ontario Regulation 159/98 comes into force unless the use and the building or structure complies with MDS II.

(3) Despite section 10, the following lands shall be used for agricultural purposes only:

- 1. That parcel of land in the geographic Township of Scoble in the Territorial District of Thunder Bay, being composed of all of Concession 4, Lot 1 and the south half portion of Concession 5, Lot 1.

**13.3** Small scale processing of forest products, including portable sawmill operations, is permitted if the following requirements are met:

- 1. The processing is located at least 120 metres away from a lot used for a sensitive land use or a commercial use.
- 2. The processing is located at least 30 metres from the centre of a road or a road allowance.

**5. This Regulation comes into force on April 27, 1998.**

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on April 6, 1998.

17/98

## ONTARIO REGULATION 160/98 made under the PLANNING ACT

Made: April 6, 1998  
Filed: April 9, 1998

Amending O. Reg. 413/86  
(Zoning Areas—Territorial District of Thunder Bay,  
Geographic Township of Gorham)

**Note:** Since January 1, 1997, Ontario Regulation 413/86 has been amended by Ontario Regulations 189/97 and 323/97. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. (1) Section 1 of Ontario Regulation 413/86 is amended by adding the following definition:**

"aggregate resource potential" means an area with high or moderate aggregate potential as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 137a and 138a.

**(2) The definition of "extractive industrial use" in section 1 of the Regulation is amended by adding after "the extraction" in the second line "or processing".**

**(3) Section 1 of the Regulation is amended by adding the following definitions:**

"MDS I" means the criteria set out in *Minimum Distance Separation I (MDS I)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;

"MDS II" means the criteria set out in *Minimum Distance Separation II (MDS II)* dated March 1995 published by the Ministry of Agriculture, Food and Rural Affairs;

"sensitive land use" means a temporary or permanent residential use, a playground, a daycare centre, an educational or health care facility and any associated amenity areas or outdoor spaces.

**(4) Section 1 of the Regulation is amended by adding the following subsection:**

(2) The publications *Minimum Distance Separation I (MDS I)* and *Minimum Distance Separation II (MDS II)* are available for inspection by the public at the office of the Lakehead Rural Planning Board in Murillo, District of Thunder Bay.

**2. Section 4 of the Regulation is revoked and the following substituted:**

4. For the purposes of this Order, all the land in the Geographic Township of Gorham is divided into the zones listed in the following



Table as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 137a and 138a. The zones are designated on the maps as set out in the Table.

TABLE

<i>Zone</i>	<i>Symbol on Map</i>
Aggregate Resource Potential	AP
Disposal Industrial	M3
Extractive Industrial	M2
General Commercial	GC
General Industrial	GI
Institutional	I
Recreational	R
Rural	RU
Use Limitation	UL

**3. Section 17 of the Regulation is revoked and the following substituted:**

17. No building or structure shall be erected, located or used within 90 metres of an Aggregate Resource Potential Zone or an Extractive Industrial Zone as shown on maps filed with the Provincial Planning Services Branch of the Ministry of Municipal Affairs and Housing at Toronto as numbers 137a and 138a.

**4. Subsection 21 (2) of the Regulation is revoked and the following substituted:**

(2) A wayside pit and quarry is not permitted within 30 metres of any lot on which, on the day that Ontario Regulation 160/98 comes into force, there is a sensitive land use or a road or road allowance.

**5. Subsection 23 (1) of the Regulation is amended by striking out "and" at the end of clause (e), adding "and" at the end of clause (f) and adding the following clause:**

(g) waste disposal sites.

**6. (1) Subsection 24 (3) of the Regulation is revoked and the following substituted:**

(3) No land shall be used and no building or structure shall be erected, located or used for livestock operations or for the expansion of any livestock operations that exist on the day that Ontario Regulation 160/98 comes into force unless the use and the building or structure complies with MDS II.

**(2) Section 24 of the Regulation is amended by adding the following subsections:**

(5) No building or structure shall be erected, located or used unless the building or structure complies with MDS I.

(6) Despite subsection 23 (1), if a lot abuts an Aggregate Resource Potential Zone, no use shall be permitted within 90 metres of an abutting lot line other than uses that exist on the day that Ontario Regulation 160/98 comes into force.

(7) The small scale processing of forest products, including portable sawmill operations, is permitted if the following requirements are met:

1. The processing is located a minimum of 120 metres away from a lot used for a sensitive land use or commercial use.
2. The processing is located a minimum of 30 metres away from a road or a road allowance.

(8) A waste disposal site shall not be located on a lot with a lot line that is located,

- (a) within 500 metres of a building, other than a building which is accessory to the waste disposal site;
- (b) within 185 metres of a road or a road allowance; or
- (c) within 30 metres of a watercourse, lake or pond.

(9) A waste disposal site shall not be located on a lot that is covered by water or is subject to flooding.

(10) Requirements for buildings and structures that are accessory to a waste disposal site are as follows:

1. Minimum lot frontage, 45 metres.
2. Minimum distance from any lot line, 15 metres.
3. Maximum lot coverage, 5 per cent.
4. Maximum height, 12 metres.

(11) A waste disposal site shall not be used for the disposal of toxic industrial waste or nuclear waste.

(12) Despite subsection 23 (1), if the following lands are used for a waste disposal site, they shall be used only for the disposal of wood waste products:

1. That parcel of land in the geographic Township of Gorham in the Territorial District of Thunder Bay, being composed of that part of the south half of Lot 16 in Concession II, described as part of Parcel 3487 in the Land Registry Office for the Land Titles Division of Thunder Bay (No. 55), composed of approximately 12.4 hectares, more particularly described as follows:

Beginning at a point in the westerly limit of Lot 16 immediately south of the Ontario Hydro right-of-way;

Thence south along the westerly lot line a distance of 322.9 metres;

Thence east in a line running parallel to the south boundary of the Lot a distance of 490.7 metres;

Thence north in a line running parallel to the east limit of the Lot a distance of 182.88 metres to the south limit of the Ontario Hydro right-of-way;

Thence in a general northwesterly direction in a line bordering the Ontario Hydro right-of-way to the point of commencement.

**7. Section 35 of the Regulation is amended by adding the following subsection:**

(4) No building or structure shall be located within 300 metres of a lot line of a lot used for an industrial use or a sensitive land use.

**8. Section 38 of the Regulation is revoked and the following substituted:**

38. (1) Every use of land and every erection, location or use of buildings or structures is prohibited except,

- (a) extractive industrial uses; and
- (b) storage or processing of aggregates.

(2) Despite subsection (1), aggregates shall not be excavated, processed or stored within 30 metres of,

- (a) a lot line, unless the adjacent lot is used for extractive industrial uses;
- (b) a sensitive land use;
- (c) a road or a road allowance.

(3) A quarry with blasting operations shall not be located within 450 metres of a sensitive land use or a commercial use.

**9. The Regulation is amended by adding the following Part:**

**PART IX.1**

**AGGREGATE RESOURCE POTENTIAL ZONES**

**46.1** This Part applies to the Aggregate Resource Potential (AP) Zones.

**46.2** Every use of land and every erection, location or use of buildings and structures is prohibited except,

- (a) forestry;
- (b) agriculture; and
- (c) fish and wildlife uses.

**10. This Regulation comes into force on April 27, 1998.**

KAREN SMITH  
Manager  
Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on April 6, 1998.

17/98

**ONTARIO REGULATION 161/98**  
made under the  
**PLANNING ACT**

Made: April 9, 1998  
Filed: April 9, 1998

**DEEMING ORDER (LAKEHEAD RURAL  
PLANNING BOARD)**

**1. (1)** Ontario Regulations 219/75, 413/86 and 414/86, as they read immediately before their revocation under section 2, shall be deemed to be and to always have been by-laws of the Lakehead Rural Planning Board under section 34 of the Act.

**(2)** The deemed by-laws shall be referred to as follows:

1. Ontario Regulation 413/86 is by-law Number 001 of the Lakehead Rural Planning Board.
2. Ontario Regulation 414/86 is by-law Number 002 of the Lakehead Rural Planning Board.
3. Ontario Regulation 219/75 is by-law Number 003 of the Lakehead Rural Planning Board.

**2. Ontario Regulations 219/75, 413/86 and 414/86 and the amendments to them are revoked.**

**3. This Regulation comes into force on April 27, 1998.**

PAULA M. DILL  
Assistant Deputy Minister  
Municipal Operations Division  
Ministry of Municipal Affairs and Housing

Dated on April 9, 1998.

17/98

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-05-02

**ONTARIO REGULATION 162/98**

made under the  
**TORONTO AREA TRANSIT OPERATING  
AUTHORITY ACT**

Made: March 26, 1998  
Approved: April 8, 1998  
Filed: April 14, 1998

Amending Reg. 1036 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1036 has been amended by Ontario Regulation 358/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Section 1 of Regulation 1036 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:**

"Tariff of Fares" means the Tariff of Fares No. 1, adopted by the unanimous consent of those members of the Authority who were present at the meeting of the members held on February 13, 1998.

**(2) Section 1 of the Regulation is amended by adding the following subsection:**

(2) The Tariff of Fares may be read by members of the public at the head office of the Authority during regular business hours.

**2. Section 1.1 of the Regulation is amended by striking out "Schedule" at the end and substituting "Tariff of Fares".**

**3. (1) Subsection 2 (1) of the Regulation is amended by striking out "Schedule" in the fourth line and substituting "Tariff of Fares".**

**(2) Subsection 2 (19) of the Regulation is amended by striking out "Schedule" in the third line and substituting "Tariff of Fares".**

**(3) Clause 2 (23) (a) of the Regulation is amended by striking out "Schedule" in the second line and substituting "Tariff of Fares".**

**4. The Schedule to the Regulation is revoked.**

**5. This Regulation comes into force on May 1, 1998.**

TORONTO AREA TRANSIT OPERATING AUTHORITY:

ELDRED R. KING  
*Chair*

RICHARD C. DUCHARME  
*Managing Director*

Dated on March 26, 1998.

18/98

**ONTARIO REGULATION 163/98**

made under the  
**PLANNING ACT**

Made: April 17, 1998  
Filed: April 17, 1998

Amending O. Reg. 834/81  
(Restricted Areas—District of Sudbury,  
Territorial District of Sudbury)

Note: Since January 1, 1997, Ontario Regulation 834/81 has been amended by Ontario Regulations 13/97, 60/97, 61/97, 62/97, 63/97, 64/97, 65/97, 66/97, 70/97, 88/97, 89/97, 90/97, 91/97, 92/97, 93/97, 98/97, 154/97 and 520/97. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. Schedule 1 to Ontario Regulation 834/81 is amended by adding the following section:**

162. (1) Despite section 8 of the Order, a seasonal dwelling together with accessory buildings and structures may be erected, located and used on each of the lands described in subsections (3) and (4).

(2) Despite paragraph 1 of subsection 23 (4) of the Order, the minimum lot area requirement for the lands described in subsection (4) shall be 1,800 square metres.

(3) Subsection (1) applies to that part of the remainder of Parcel 17662 Sudbury West Section in the Geographic Township of Eden, being Summer Resort Locations JDD365 and CL5489, designated as Part 1 on Reference Plan 53R-12402.

(4) Subsections (1) and (2) apply to Parcel 20902 Sudbury West Section in the Geographic Township of Eden in the Territorial District of Sudbury, being that part of Summer Resort Location BD18 designated as Part 1 on Reference Plan SR-2322.

BARBARA KONYI  
*Manager*  
Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on April 17, 1998.

18/98

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

1000

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-05-09

## ONTARIO REGULATION 164/98 made under the EDUCATION ACT

Made: April 20, 1998  
Filed: April 20, 1998

Amending O. Reg. 92/98  
(Interim Payments in Respect of Legislative Grants for the  
Period January 1, 1998 to August 31, 1998)

Note: Ontario Regulation 92/98 has not previously been amended.

1. Clause 1 (2) (a) of Ontario Regulation 92/98 is amended by striking out "30" at the beginning and substituting "41.6".

2. Section 2 of the Regulation is revoked and the following substituted:

2. Section 1 applies with respect to all of the short year, including any period before this Regulation or any amendments to it are made.

19/98

## ONTARIO REGULATION 165/98 made under the SECURITIES ACT

Made: March 10, 1998  
Approved: April 20, 1998  
Filed: April 22, 1998

Amending Reg. 1015 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97, 507/97, 88/98, 130/98 and 149/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 162 (1) of Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked.

2. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on March 10, 1998 entitled "Ontario Securities Commission Rule 13-501 *Payment of Fees*".

ONTARIO SECURITIES COMMISSION:

JOHN A. GELLER  
Chair

G. PATRICK H. VERNON  
Commissioner

Note: The rule made by the Ontario Securities Commission on March 10, 1998 entitled "Ontario Securities Commission Rule 13-501 *Payment of Fees*" comes into force on May 5, 1998.

Dated on March 10, 1998.

19/98

## ONTARIO REGULATION 166/98 made under the SECURITIES ACT

Made: April 7, 1998  
Approved: April 20, 1998  
Filed: April 22, 1998

Amending Reg. 1015 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97, 507/97, 88/98, 130/98, 149/98 and 165/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 161 of Regulation 1015 of the Revised Regulations of Ontario, 1990 is amended by striking out the portion before clause (a) and substituting the following:

161. Except as otherwise provided in the Act, sections 11, 174 or 181 of this Regulation, the Rule entitled "In the Matter of Certain Reporting Issuers", [1980] OSCB 166 or Ontario Securities Commission Rule 55-502 *Facsimile Filing or Delivery of Insider Reports*,

2. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on April 7, 1998 entitled "Ontario Securities Commission Rule 55-502 *Facsimile Filing or Delivery of Insider Reports*".

ONTARIO SECURITIES COMMISSION:

JOHN A. GELLER  
Vice-Chair

M.P. CARSCALLEN  
Commissioner

Note: The rule made by the Ontario Securities Commission on April 7, 1998 entitled "Ontario Securities Commission Rule 55-502 *Facsimile Filing or Delivery of Insider Reports*" comes into force on May 5, 1998.

Dated on April 7, 1998.

19/98

**ONTARIO REGULATION 167/98****made under the  
PROVINCIAL PARKS ACT**

Made: April 22, 1998

Filed: April 23, 1998

Amending Reg. 951 of R.R.O. 1990  
(Designation of Parks)

Note: Since January 1, 1997, Regulation 951 has been amended by Ontario Regulations 52/97, 257/97 and 110/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Section 2 of Regulation 951 of the Revised Regulations of Ontario, 1990 is amended by adding the following descriptions:**

**AWENDA PROVINCIAL PARK**

In the Township of Tiny, in the County of Simcoe, containing 2,915 hectares, more or less, being composed of those parts of the said Township of Tiny designated as parts 1 and 2 on a plan known as Awenda Provincial Park, filed on August 28, 1995 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources at Toronto, Ontario.

**BIGWIND LAKE PROVINCIAL PARK**

In the geographic Township of Oakley, now in the Town of Bracebridge, in the District Municipality of Muskoka, containing 1,967 hectares, more or less, being composed of those parts of the said geographic Township of Oakley designated as Parts 1, 2, 3 and 4 on a plan known as Bigwind Lake Provincial Park, approved on August 29, 1994 and filed in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources at Toronto, Ontario.

**DRIFTWOOD PROVINCIAL PARK**

In the municipal Township of Head, Clara and Maria, in the County of Renfrew, containing 422.3 hectares, more or less, being composed of that part of the geographic Township of Head designated as Part 1 on a plan known as Driftwood Provincial Park, filed on August 29, 1995 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources at Toronto, Ontario.

**DUNCAN ESCARPMENT PROVINCIAL NATURE RESERVE**

In the Township of Collingwood, in the County of Grey, containing 161 hectares, more or less, being composed of part of Lots 7, 8 and 9, Concession XII in the said township designated as Part 1 on a plan known as Duncan Escarpment Provincial Nature Reserve, filed on February 2, 1996 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**FAWN RIVER PROVINCIAL PARK**

In the Territorial District of Kenora, containing 12,134 hectares, more or less, being composed of those parts of the said territorial district designated as parts 1 and 2 on a plan known as Fawn River Provincial Park, filed on July 17, 1995 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**FRONTENAC PROVINCIAL PARK**

In the geographic Townships of Bedford and Loughborough, in the County of Frontenac, containing 5,214 hectares, more or less, being composed of those parts of the said geographic Townships of Bedford and Loughborough designated as Part 1 on a plan known as Frontenac Provincial Park, approved on April 29, 1994 and filed in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**KAP-KIG-IWAN PROVINCIAL PARK**

In the municipal Townships of Dack and Evanturel, in the Territorial District of Timiskaming containing 328 hectares, more or less, being composed of that part of the geographic Townships of Dack and Evanturel designated as Part 1 on a plan known as Kap-Kig-Iwan Provincial Park, filed on July 17, 1995 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**LOLA LAKE PROVINCIAL NATURE RESERVE**

In the geographic Townships of Brownridge, Hartman, Laval and Zealand, in the Territorial District of Kenora containing 6,572 hectares, more or less, being composed of those parts of the said geographic townships designated as Part 1 on a plan known as Lola Lake Provincial Nature Reserve, approved on May 13, 1994 and filed in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**PIGEON RIVER PROVINCIAL PARK**

In the geographic Townships of Pardee and Crooks, now in the Municipal Township of Neebing, in the Territorial District of Thunder Bay, containing 949 hectares, more or less, designated as Parts 1 and 2 on a plan known as Pigeon River Provincial Park, filed on February 2, 1996 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**PORT BURWELL PROVINCIAL PARK**

In the municipalities of the Township of Bayham, and the Village of Port Burwell, in the County of Elgin containing 231 hectares, more or less, being composed of those parts of Lots 6, 7, 8, 9, 10 and 11; Concession I as shown on the plan of the geographic Township of Bayham designated as Parts 1, 2 and 3 on a plan known as Port Burwell Provincial Park, and filed on July 28, 1997 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Peterborough, Ontario.

**(2) The description of Wasaga Beach Provincial Park in section 2 of the Regulation is revoked and the following substituted:**

**WASAGA BEACH PROVINCIAL PARK**

In the Town of Wasaga Beach, in the County of Simcoe, containing 1,844.3 hectares, more or less, being composed of those parts of the geographic Townships of Flos, Nottawasaga and Sunnidale designated as parts 1 to 28, both inclusive, on a plan known as Wasaga Beach Provincial Park, comprising thirteen sheets, and filed on December 15, 1995 in the Office of the Surveyor General of Ontario at the Ministry of Natural Resources in Toronto, Ontario.

**2. (1) The Table to the Regulation is amended by striking out,**

- (a) "Schedule 116, Appendix B" in Column 2 opposite "Awenda Provincial Park" in Column 1;
- (b) "Schedule 184, Appendix B" in Column 2 opposite "Bigwind Lake Provincial Park" in Column 1;
- (c) "Schedule 42, Appendix B" in Column 2 opposite "Driftwood Provincial Park" in Column 1;
- (d) "Schedule 140, Appendix B" in Column 2 opposite "Duncan Crevise Caves Provincial Nature Reserve" in Column 1;
- (e) "Schedule 246, Appendix B" in Column 2 opposite "Fawn River Provincial Park" in Column 1;
- (f) "Schedule 109, Appendix B" in Column 2 opposite "Frontenac Provincial Park" in Column 1;

- (g) "Schedule 9, Appendix B" in Column 2 opposite "Kap-Kig-Iwan Provincial Park";
- (h) "Schedule 149, Appendix B" in Column 2 opposite "Lola Lake Provincial Nature Reserve" in Column 1;
- (i) "Schedule 39, Appendix B" in Column 2 opposite "Middle Falls Provincial Park" in Column 1;
- (j) "Schedule 96, Appendix B" in Column 2 opposite "Port Burwell Provincial Park" in Column 1;

and substituting in each case "Section 2".

(2) The Table to the Regulation is further amended by,

- (a) inserting "Pigeon River Provincial Park" in Column 1 and by inserting opposite thereto in Column 2 "Section 2";
- (b) inserting "Duncan Escarpment Provincial Nature Reserve" in Column 1 and by inserting opposite thereto in Column 2 "Section 2".

19/98

# ONTARIO REGULATION 168/98

made under the  
GAME AND FISH ACT

Made: April 22, 1998

Filed: April 23, 1998

Amending Reg. 512 of R.R.O. 1990  
(Open Seasons—Moose and Deer)

Note: Since January 1, 1997, Regulation 512 has been amended by Ontario Regulations 301/97, 303/97 and 387/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Items 46, 47, 51.1, 52.1, 53, 55, 55.1, 58, 62 and 65 of Schedule 3 of Regulation 512 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

ITEM	COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
46.	76B, 76C, 76D, 77A, 77B, 77C, 78A, 78B, 81A, 81B	From the first Monday in November to the Friday next following, inclusive, in any year. And: From the Monday next following November 28 to the Friday next following, inclusive, in any year.		Only shotguns or flintlock or percussion cap muzzle loading guns may be used. No person shall use or be accompanied by a dog.
47.	76A, 76B, 76C, 76D, 76E, 77A, 77B, 77C, 81A, 81B	From October 1 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following the Monday immediately following November 28 to December 15, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
52.1	78A, 78B, 82A, 84	From October 1 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following the Monday immediately following November 28 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.

53.	85A, 85B, 85C, 91A, 91B	From October 1 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Sunday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Sunday next following the Monday immediately following November 28 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
-----	-------------------------------	---	--	--

55.1	82B	From October 1 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the Sunday immediately prior to the third Monday in November, inclusive, in any year. And: From the Saturday next following the third Monday in November to the Sunday immediately prior to the Monday immediately following November 28, inclusive, in any year. And: From the Saturday next following the first Monday immediately following November 28 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
------	-----	--	--	--

58.	83A	From October 1 to the Sunday immediately prior to the first Monday in November, inclusive, in any year. And: From the Saturday next following the first Monday in November to the fourth Sunday following, inclusive, in any year. And: From the Saturday next following the Monday immediately following November 28 to December 15, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
-----	-----	---	--	--

62.	86A, 86B	From October 1 to the Sunday next following November 28, inclusive, in any year. And: From the Sunday next following the Monday immediately following November 28 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
-----	----------	---	--	--

65.	93A, 93B	From October 1 to the Sunday next following November 28, inclusive, in any year. And: From the Sunday next following the Monday immediately following November 28 to December 31, inclusive, in any year.		Only bows and arrows may be used. No person shall use or be accompanied by a dog.
-----	----------	---	--	--



**ONTARIO REGULATION 169/98**  
made under the  
**GAME AND FISH ACT**

Made: April 22, 1998  
Filed: April 23, 1998

Amending Reg. 511 of R.R.O. 1990  
(Open Seasons—Game Birds)

**Note:** Since January 1, 1997, Regulation 511 has been amended by Ontario Regulation 117/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 14 of Regulation 511 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**OPEN SEASON FOR WILD TURKEY**

**14. (1)** A holder of a valid licence to hunt wild turkey may hunt a wild turkey with a beard,

- (a) in that portion of Leeds County in the United Counties of Leeds and Grenville that is in wildlife management unit 67; and
- (b) in wildlife management units 68, 70, 71, 72, 73, 74, 76, 77, 78, 81, 85, 87B, 87C, 87D, 88, 89, 90, 91B, 92A, 92B, 92C, 92D and 93A.

(2) The holder of the licence may hunt wild turkey beginning on April 25 or, if April 25 falls on a Saturday or Sunday, on the Monday immediately following that date, and ending on May 31, unless May 31 falls on a Sunday in which case the season ends on the immediately preceding Saturday, subject to the following conditions:

1. The hunting takes place between one-half hour before sunrise and 12 o'clock noon.
2. The holder has the seal provided with the licence on his or her person while hunting and, on killing a wild turkey, immediately attaches it to the turkey's leg in the manner indicated on the seal.
3. The holder does not shoot more than one wild turkey with a beard and, having shot one, does not attempt to shoot another.
4. The holder uses,
  - i. a shotgun, including a muzzle-loading shotgun, not larger than number 10 gauge and not smaller than number 20 gauge loaded with shot sizes number 4, 5 or 6,
  - ii. a cross-bow, long-bow, arrow or bolt specified in section 1 of Regulation 479 of Revised Regulations of Ontario, 1990.

5. Between 8 a.m. and 2 p.m. on the day he or she kills a wild turkey with a beard, the holder takes the intact carcass to a person designated by the Minister to register wild turkeys.

(3) Despite paragraph 3 of subsection (2), a person may shoot a second wild turkey if the person is the holder of a second valid licence to hunt wild turkey and he or she is otherwise in compliance with subsections (1) and (2).

(4) No person shall take more than two wild turkeys during the open season, or possess more than two wild turkeys at one time.

**RÈGLEMENT DE L'ONTARIO 169/98**  
pris en application de la  
**LOI SUR LA CHASSE ET LA PÊCHE**

pris le 22 avril 1998  
déposé le 23 avril 1998

modifiant le Règl. 511 des R.R.O. de 1990  
(Saisons de chasse — Gibier à plume)

**Remarque :** Depuis le 1<sup>er</sup> janvier 1997, le Règlement 511 a été modifié par le Règlement de l'Ontario 117/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. L'article 14 du Règlement 511 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

**SAISON DE CHASSE AU DINDON SAUVAGE**

**14. (1)** Le titulaire d'un permis valide de chasse au dindon sauvage peut chasser le dindon sauvage à barbe dans les endroits suivants :

- a) dans le secteur du comté de Leeds, dans les comtés unis de Leeds et Grenville, qui se trouve dans l'unité de gestion de la faune 67;
- b) dans les unités de gestion de la faune 68, 70, 71, 72, 73, 74, 76, 77, 78, 81, 85, 87B, 87C, 87D, 88, 89, 90, 91B, 92A, 92B, 92C, 92D et 93A.

(2) Le titulaire du permis peut chasser le dindon sauvage du 25 avril ou, si le 25 avril est un samedi ou un dimanche, du lundi suivant jusqu'au 31 mai, à moins que le 31 mai ne soit un dimanche, auquel cas la saison prend fin le samedi précédent, aux conditions suivantes :

1. La chasse a lieu pendant la période qui commence une demi-heure avant le lever du soleil et qui prend fin à midi.
2. Le titulaire a sur lui, pendant qu'il chasse, l'estampille qui accompagne le permis et l'attache à la patte du dindon tout de suite après l'avoir abattu, selon ce qui est indiqué sur l'estampille.
3. Le titulaire n'abat pas plus d'un dindon sauvage à barbe et, s'il en abat un, n'essaie pas d'en abattre un autre.
4. Le titulaire utilise, selon le cas :
  - i. un fusil de chasse, y compris un fusil qui se charge par le canon, dont le calibre est compris entre 10 et 20 et qui est chargé de plombs numéro 4, 5 ou 6,
  - ii. une arbalète, un arc, une flèche ou un carreau précisé à l'article 1 du Règlement 479 des Règlements refondus de l'Ontario de 1990.

5. Entre 8 h et 14 h le jour où il abat un dindon sauvage à barbe, le titulaire le présente intact à la personne que le ministre désigne pour enregistrer les dindons sauvages.

(3) Malgré la disposition 3 du paragraphe (2), peut abattre un deuxième dindon sauvage la personne qui est titulaire d'un deuxième permis valide de chasse au dindon sauvage et qui se conforme par ailleurs aux paragraphes (1) et (2).

(4) Nul ne doit prendre, pendant la saison de chasse, plus de deux dindons sauvages ni en avoir en sa possession plus de deux à la fois.

**ONTARIO REGULATION 170/98**  
made under the  
**SOCIAL HOUSING FUNDING ACT, 1997**

Made: April 22, 1998

Filed: April 24, 1998

Amending O. Reg. 488/97  
(General)

Note: Ontario Regulation 488/97 has been amended by Ontario Regulation 101/98.

**1. Subsection 3 (3) of Ontario Regulation 488/97 is revoked and the following substituted:**

(3) A notice under subsection 5 (1) of the Act shall be given to an entity no later than 15 days before the date the amount is payable.

19/98

**ONTARIO REGULATION 171/98**  
made under the  
**COURTS OF JUSTICE ACT**

Made: March 2, 1998

Approved: April 22, 1998

Filed: April 24, 1998

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

Note: Since January 1, 1997, Regulation 194 has been amended by Ontario Regulations 118/97, 348/97, 427/97 and 442/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subrule 15.04 (7) of Regulation 194 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(7) If the corporation fails to comply with subrule (6),

(a) the court may dismiss its proceeding or strike out its defence; and

(b) in an appeal,

(i) a judge of the appellate court may, on motion, dismiss the corporation's appeal, or

(ii) the court hearing the appeal may deny it the right to be heard.

**2. Clause 17.02 (h) of the Regulation is amended by striking out "tort or breach of contract" and substituting "tort, breach of contract, breach of fiduciary duty or breach of confidence".**

**3. Rule 18.03 of the Regulation is revoked and the following substituted:**

**NOTICE OF DEFENCE**

**18.03 (1)** The defendant in every action in the City of Toronto or a county named in the Schedule to rule 77.01 shall file a notice of defence (Form 77B) when a notice of intent to defend, a statement of defence or a motion in response to the action is served.

**RÈGLEMENT DE L'ONTARIO 171/98**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 2 mars 1998

approuvé le 22 avril 1998

déposé le 24 avril 1998

modifiant le Règl. 194 des R.R.O. 1990  
(Règles de procédure civile)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 194 a été modifié par les Règlements de l'Ontario 118/97, 348/97, 427/97 et 442/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. Le paragraphe 15.04 (7) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

(7) Si la personne morale ne se conforme pas au paragraphe (6) :

a) le tribunal peut rejeter l'instance qu'elle a introduite ou radier sa défense;

b) dans le cas d'un appel :

(i) soit un juge du tribunal d'appel peut, sur motion, rejeter l'appel de la personne morale,

(ii) soit le tribunal saisi de l'appel peut refuser à la personne morale le droit d'être entendue.

**2. L'alinéa 17.02 h) du Règlement est modifié par substitution de «d'un délit, d'une inexécution de contrat, d'un manquement à l'obligation de fiduciaire ou d'un abus de confiance» à «d'un délit ou d'une inexécution de contrat».**

**3. La règle 18.03 du Règlement est abrogée et remplacée par ce qui suit :**

**AVIS DE DÉFENSE**

**18.03 (1)** Le défendeur dans une action introduite dans la cité de Toronto ou dans un comté mentionné dans l'annexe à la règle 77.01 dépose un avis de défense (formule 77B) lors de la signification d'un avis d'intention de présenter une défense, d'une défense ou d'une motion en réponse à l'action.

(2) Subrule (1) does not apply to the actions referred to in clause 77.01 (2) (a) or (b) (family law).

**4. Subrule 19.04 (3) of the Regulation is revoked and the following substituted:**

***Registrar may Decline to Sign Default Judgment***

(3) The registrar may decline to sign default judgment if uncertain,

- (a) whether the claim comes within the class of cases for which default judgment may properly be signed; or
- (b) of the amount or rate that is properly recoverable for prejudgment or postjudgment interest.

(3.1) If the registrar declines to sign default judgment, the plaintiff may,

- (a) move before a judge for judgment under rule 19.05; or
- (b) in the case of a claim referred to in subrule (1), make a motion to the court for default judgment.

**5. Rule 20.03 of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".**

**6. Rule 21.03 of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".**

**7. Rule 22.02 of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".**

**8. Rule 34.02 of the Regulation is revoked and the following substituted:**

**BEFORE WHOM TO BE HELD**

**34.02 (1)** An oral examination to be held in Ontario shall be held at a time and place set out in the notice of examination or summons to a witness, before a person assigned by,

- (a) an official examiner;
- (b) a reporting service agreed on by the parties; or
- (c) a reporting service named by the examining party.

(2) A person who objects to being examined at the time or place set out in the notice of examination or before a person assigned under subrule (1) may make a motion to show that the time, place or person is unsuitable for the proper conduct of the examination.

(3) If a motion under subrule (2) is dismissed, the court shall fix the responding party's costs on a solicitor and client basis and order the moving party to pay them forthwith, unless the court is satisfied that the making of the motion, although unsuccessful, was nevertheless reasonable.

**9. Rule 34.04.1 of the Regulation is revoked.**

**10. Rule 34.13 of the Regulation is revoked.**

**11. Subrule 34.18 (2) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fourth and fifth lines and substituting "at least two days before the hearing".**

(2) Le paragraphe (1) ne s'applique pas aux actions visées à l'alinéa 77.01 (2) a) ou b) (droit de la famille).

**4. Le paragraphe 19.04 (3) du Règlement est abrogé et remplacé par ce qui suit :**

***Refus d'agir du greffier***

(3) Le greffier peut refuser de consigner le jugement par défaut dans les cas suivants :

- a) il n'est pas sûr que la demande fasse partie de la catégorie de cas où la consignation d'un jugement par défaut est permise;
- b) il ne connaît pas exactement le montant des intérêts antérieurs ou postérieurs au jugement qui peut être adjugé ou le taux de ces intérêts.

(3.1) Si le greffier refuse de consigner le jugement par défaut, le demandeur peut :

- a) demander à un juge, par voie de motion, de rendre un jugement aux termes de la règle 19.05;
- b) dans le cas d'une demande visée au paragraphe (1), présenter une motion au tribunal en vue d'obtenir un jugement par défaut.

**5. La règle 20.03 du Règlement est modifiée par substitution de «au moins deux jours avant l'audience» à «au plus tard à 14 h la veille de l'audience» à la sixième ligne.**

**6. La règle 21.03 du Règlement est modifiée par substitution de «au moins deux jours avant l'audience» à «au plus tard à 14 h la veille de l'audience» à la sixième ligne.**

**7. La règle 22.02 du Règlement est modifiée par substitution de «au moins deux jours avant l'audience» à «au plus tard à 14 h la veille de l'audience» aux cinquième et sixième lignes.**

**8. La règle 34.02 du Règlement est abrogée et remplacée par ce qui suit :**

**PERSONNES DEVANT LESQUELLES SE DÉROULE L'INTERROGATOIRE**

**34.02 (1)** L'interrogatoire oral tenu en Ontario se déroule aux date, heure et lieu indiqués dans l'avis d'interrogatoire ou l'assignation, devant une personne désignée :

- a) soit par un auditeur officiel;
- b) soit par un service de sténographie dont conviennent les parties;
- c) soit par un service de sténographie désigné par la partie interrogatrice.

(2) Toute personne qui s'oppose à un interrogatoire à la date, à l'heure ou au lieu indiqués dans l'avis d'interrogatoire ou devant une personne désignée aux termes du paragraphe (1) peut présenter une motion en vue de démontrer que la date, l'heure ou le lieu fixés sont inopportuns ou que la personne désignée ne convient pas au bon déroulement de l'interrogatoire.

(3) Si la motion présentée aux termes du paragraphe (2) est rejetée, le tribunal fixe les dépens de la partie intimée sur une base procureur-client et ordonne à l'auteur de la motion de les payer sans délai, à moins qu'il ne soit convaincu que la motion était légitime malgré le rejet.

**9. La règle 34.04.1 du Règlement est abrogée.**

**10. La règle 34.13 du Règlement est abrogée.**

**11. Le paragraphe 34.18 (2) du Règlement est modifié par substitution de «au moins deux jours avant l'audition» à «avant 14 h, la veille de l'audition» à la cinquième ligne.**

12. Subrule 37.07 (6) of the Regulation is amended by striking out "three" in the second line and substituting "four".

13. Subrule 37.08 (1) of the Regulation is amended by striking out "two" in the second line and substituting "three".

14. (1) Subrule 37.10 (1) of the Regulation is amended by striking out "two" in the fifth line and substituting "three".

(2) Subrule 37.10 (3) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fourth and fifth lines and substituting "at least two days before the hearing".

(3) Subrule 37.10 (6) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the third line and substituting "at least two days before the hearing".

15. Subrule 38.06 (4) of the Regulation is amended by striking out "three" in the second line and substituting "four".

16. Rule 38 of the Regulation is amended by adding the following rule:

#### NOTICE OF DEFENCE

38.07.1 (1) The respondent in every application in the City of Toronto or a county named in the Schedule to rule 77.01 shall file a notice of defence (Form 77B) when a notice of appearance or a motion in response to the application is served.

(2) Subrule (1) does not apply to the applications referred to in clause 77.01 (2) (a) or (b) (family law).

17. (1) Subrule 38.09 (1) of the Regulation is amended,

(a) by striking out "three" in the third line of clause (a) and substituting "four"; and

(b) by striking out "not later than 2 p.m. on the day before the hearing" in the second line of clause (b) and substituting "at least two days before the hearing".

(2) Subrule 38.09 (3) of the Regulation is revoked and the following substituted:

#### *Respondent's Application Record and Factum*

(3) The respondent shall serve on every other party, at least four days before the hearing, a factum consisting of a concise statement, without argument, of the facts and law relied on by the respondent.

(3.1) If of the opinion that the application record is incomplete, the respondent may serve on every other party, at least two days before the hearing, a respondent's application record containing, in consecutively numbered pages arranged in the following order,

(a) a table of contents describing each document, including each exhibit, by its nature and date and, in the case of an exhibit, by exhibit number or letter; and

(b) a copy of any material to be used by the respondent on the application and not included in the applicant's application record.

(3.2) The respondent's factum, and the respondent's application record, if any, shall be filed with proof of service in the court office where the application is to be heard, at least two days before the hearing.

18. (1) Subrule 39.01 (2) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".

12. Le paragraphe 37.07 (6) du Règlement est modifié par substitution de «quatre» à «trois» à la deuxième ligne.

13. Le paragraphe 37.08 (1) du Règlement est modifié par substitution de «trois» à «deux» à la troisième ligne.

14. (1) Le paragraphe 37.10 (1) du Règlement est modifié par substitution de «trois» à «deux» à la cinquième ligne.

(2) Le paragraphe 37.10 (3) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h le jour précédant l'audience» aux troisième et quatrième lignes.

(3) Le paragraphe 37.10 (6) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h le jour précédant l'audience» à la troisième ligne.

15. Le paragraphe 38.06 (4) du Règlement est modifié par substitution de «quatre» à «trois» à la troisième ligne.

16. La Règle 38 du Règlement est modifiée par adjonction de la règle suivante :

#### AVIS DE DÉFENSE

38.07.1 (1) L'intimé dans une requête introduite dans la cité de Toronto ou dans un comté mentionné dans l'annexe à la règle 77.01 dépose un avis de défense (formule 77B) lors de la signification d'un avis de comparution ou d'une motion en réponse à la requête.

(2) Le paragraphe (1) ne s'applique pas aux requêtes visées à l'alinéa 77.01 (2) a) ou b) (droit de la famille).

17. (1) Le paragraphe 38.09 (1) du Règlement est modifié :

a) par substitution de «quatre» à «trois» à la deuxième ligne de l'alinéa a);

b) par substitution de «au moins deux jours avant l'audience» à «au plus tard à 14 h le jour précédant l'audience» à la deuxième ligne de l'alinéa b).

(2) Le paragraphe 38.09 (3) du Règlement est abrogé et remplacé par ce qui suit :

#### *Dossier de requête et mémoire de l'intimé*

(3) L'intimé signifie aux autres parties, au moins quatre jours avant l'audience, un mémoire exposant de façon concise, sans les arguments, les faits et les règles de droit sur lesquels il se fonde.

(3.1) S'il est d'avis que le dossier de requête est incomplet, l'intimé peut signifier aux autres parties, au moins deux jours avant l'audience, un dossier de requête de l'intimé comprenant, dans des pages numérotées consécutivement et disposées de la façon suivante :

a) une table des matières décrivant chaque document, y compris les pièces, selon sa nature et sa date et, dans le cas d'une pièce, selon son numéro ou sa lettre;

b) une copie des documents qu'il prévoit utiliser dans la requête et qui ne figurent pas au dossier de requête du requérant.

(3.2) Le mémoire de l'intimé, et son dossier de requête, le cas échéant, sont déposés, avec la preuve de leur signification, au greffe du tribunal où la requête doit être entendue, au moins deux jours avant l'audience.

18. (1) Le paragraphe 39.01 (2) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h le jour précédant l'audience» à la cinquième ligne.

(2) Subrule 39.01 (3) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fourth and fifth lines and substituting "at least two days before the hearing".

19. Rule 40 of the Regulation is amended by adding the following rule:

#### FACTUMS REQUIRED

40.04 On a motion under rule 40.01, each party shall serve on every other party to the motion a factum consisting of a concise statement, without argument, of the facts and law relied on by the party, and file it, with proof of service, in the court office where the motion is to be heard, at least two days before the hearing.

20. Subrule 42.02 (2) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".

21. Subrule 60.08 (1.1) of the Regulation is revoked and the following substituted:

#### *Joint Debts Garnishable*

(1.1) Where a debt is payable to the debtor and to one or more co-owners, one-half of the indebtedness or a greater or lesser amount specified in an order made under subrule (16) may be garnished.

22. (1) Subrule 62.01 (5) of the Regulation is amended by striking out "three" in the third line and substituting "four".

(2) Subrule 62.01 (7) of the Regulation is amended by striking out "three" in the first line and substituting "four".

(3) Subrule 62.01 (8) of the Regulation is revoked and the following substituted:

(8) The respondent shall serve on every other party,

(a) at least four days before the hearing, a factum consisting of a concise statement, without argument, of the facts and law relied on by the respondent; and

(b) at least two days before the hearing, any further material that was before the judge or officer appealed from and is necessary for the hearing of the appeal.

(8.1) The respondent's factum, and any further material, shall be filed with proof of service in the court office where the appeal is to be heard, at least two days before the hearing.

23. (1) Subrule 62.02 (1) of the Regulation is revoked and the following substituted:

#### *Leave to Appeal from Interlocutory Order of a Judge*

(1) Leave to appeal to the Divisional Court under clause 19 (1) (b) of the Act shall be obtained from a judge other than the judge who made the interlocutory order.

(1.1) If the motion for leave to appeal is properly made in Toronto, the judge shall be a judge of the Divisional Court sitting as a General Division judge.

(2) Subrule 62.02 (6) of the Regulation is amended by striking out "not later than 2 p.m. on the day before the hearing" in the fifth and sixth lines and substituting "at least two days before the hearing".

(2) Le paragraphe 39.01 (3) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h le jour précédant l'audience» aux quatrième et cinquième lignes.

19. La Règle 40 du Règlement est modifiée par adjonction de la règle suivante :

#### MÉMOIRES

40.04 Dans le cas d'une motion présentée aux termes de la règle 40.01, chaque partie signifie aux autres parties à la motion un mémoire qui comprend un exposé concis, sans les arguments, des faits et des règles de droit qu'elle invoque et le dépose, avec la preuve de la signification, au greffe du tribunal où la motion doit être entendue, au moins deux jours avant l'audience.

20. Le paragraphe 42.02 (2) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h le jour précédant l'audience» aux sixième et septième lignes.

21. Le paragraphe 60.08 (1.1) du Règlement est abrogé et remplacé par ce qui suit :

#### *Saisissabilité des créances conjointes*

(1.1) Si une créance est exigible par le débiteur et par un ou plusieurs autres cotitulaires de celle-ci, la moitié de la créance ou le montant plus élevé ou moins élevé précisé dans l'ordonnance rendue en vertu du paragraphe (16) peut faire l'objet d'une saisie-arrêt.

22. (1) Le paragraphe 62.01 (5) du Règlement est modifié par substitution de «quatre» à «trois» à la deuxième ligne.

(2) Le paragraphe 62.01 (7) du Règlement est modifié par substitution de «quatre» à «trois» à la première ligne.

(3) Le paragraphe 62.01 (8) du Règlement est abrogé et remplacé par ce qui suit :

(8) L'intimé signifie à chaque partie :

a) au moins quatre jours avant l'audience, un mémoire exposant de façon concise, sans les arguments, les faits et les règles de droit sur lesquels il se fonde;

b) au moins deux jours avant l'audience, les autres documents présentés à l'officier de justice ou au juge de première instance et qui sont nécessaires à l'audition de l'appel.

(8.1) Le mémoire de l'intimé, ainsi que les autres documents, sont déposés, avec la preuve de la signification, au greffe du tribunal où l'appel doit être entendu, au moins deux jours avant l'audience.

23. (1) Le paragraphe 62.02 (1) du Règlement est abrogé et remplacé par ce qui suit :

#### *Autorisation d'interjeter appel de l'ordonnance interlocutoire d'un juge*

(1) L'autorisation d'interjeter appel devant la Cour divisionnaire en vertu de l'alinéa 19 (1) b) de la Loi s'obtient d'un juge autre que celui qui a rendu l'ordonnance interlocutoire.

(1.1) Si la motion en autorisation d'interjeter appel est dûment présentée à Toronto, le juge est un juge de la Cour divisionnaire qui siège en tant que juge de la Division générale.

(2) Le paragraphe 62.02 (6) du Règlement est modifié par substitution de «au moins deux jours avant l'audience» à «avant 14 h la veille de l'audience» aux cinquième et sixième lignes.

24. Form 60H of the Regulation is amended by striking out "you must pay the greater of the debtor's ownership interest, if known to you, or one-half of the indebtedness" at the end of the first paragraph and substituting "you must pay one-half of the indebtedness or the greater or lesser amount specified in an order made under subrule 60.08 (16)".

25. This Regulation comes into force on July 1, 1998.

19/98

**ONTARIO REGULATION 172/98**  
made under the  
**HEALTH INSURANCE ACT**

Made: April 22, 1998  
Filed: April 24, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98, 87/98, 111/98, 145/98, 146/98 and 147/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 2.1 of Regulation 552 of the Revised Regulations of Ontario, 1990 is revoked.

19/98

**ONTARIO REGULATION 173/98**  
made under the  
**HEALTH INSURANCE ACT**

Made: April 22, 1998  
Filed: April 24, 1998

**HEALTH FRAUD**

1. (1) The following persons are prescribed for the purposes of subsections 11.1 (2) and 43.1 (1) of the Act:

1. A physician, a registered nurse of the extended class, a member of the College of Chiropodists of Ontario who is a podiatrist, a member of the College of Chiropractors of Ontario, the College of Midwives of Ontario, the College of Optometrists of Ontario or the Royal College of Dental Surgeons of Ontario or an operator of a physiotherapy facility listed in Schedule 5 to Regulation 552 of the Revised Regulations of Ontario, 1990.
2. An employee of a person named in paragraph 1 whose employment is related to the provision of insured services by that person.
3. A person who, under a contract with any person named in paragraph 1, performs services that are related to the provision of insured services.
4. A person who is employed in the provision of insured services in,

24. La formule 60H du Règlement est modifiée par substitution de «vous devez payer la moitié de la dette ou le montant supérieur ou inférieur qui est précisé dans une ordonnance rendue en vertu du paragraphe 60.08 (16)» à «vous devez payer la partie de la créance qui appartient au débiteur, si vous la connaissez, ou la moitié de la créance, si ce dernier montant est plus élevé» à la fin du premier paragraphe.

25. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

(i) a hospital under the *Public Hospitals Act* or *Private Hospitals Act*,

(ii) a facility whose primary function is the provision of insured services, or

(iii) a laboratory or specimen collection centre licensed under the *Laboratory and Specimen Collection Centre Licensing Act*.

5. A person who, under a contract, performs services that are related to the provision of insured services and performed in a place described in paragraph 4.

(2) In paragraph 1 of subsection (1),

"registered nurse of the extended class" means a member of the College of Nurses of Ontario who is a registered nurse and who holds an extended certificate of registration under the *Nursing Act, 1991*.

2. An insured person is a prescribed person for the purposes of subsection 43.1 (5) of the Act.

3. Ontario Regulation 590/94 is revoked.

19/98

**ONTARIO REGULATION 174/98**  
made under the  
**TORONTO AREA TRANSIT OPERATING  
AUTHORITY ACT**

Made: April 22, 1998  
Filed: April 24, 1998

Amending O. Reg. 481/97  
(Recovery of Costs of the Toronto Area  
Transit Operating Authority)

Note: Ontario Regulation 481/97 has been amended by Ontario Regulation 96/98.

1. Section 4 of Ontario Regulation 481/97 is revoked and the following substituted:

4. A notice under section 8.1 of the Act shall be given to the regional municipalities and the City of Toronto no later than 15 days before the date the amount is payable.

19/98



**ONTARIO REGULATION 175/98**  
made under the  
**WORKPLACE SAFETY AND INSURANCE**  
**ACT, 1997**

Made: March 6, 1998  
Approved: April 22, 1998  
Filed: April 24, 1998

**GENERAL**

**DEFINITIONS**

**1. In this Regulation,**

"business activity" means an operation that relates to the production of a product or the provision of a service and includes the work done by domestic workers;

"farm" means premises the whole or part of which are used for agricultural purposes and, without limiting the generality of the foregoing, includes premises used for,

- (a) the production of plants for the purpose of the sale of such plants, or any part thereof, and
- (b) the production, including breeding, rearing or fattening of animals for the purpose of the sale of such animals, or any part thereof, or for the purpose of racing or exhibiting such animals;

"office building" means a building used or occupied, wholly or partly, for office purposes;

"properly segregated" in relation to a business activity or operation of an employer means that,

- (a) the wage records for the payroll for the business activity or operation are segregated from the payroll for the employer's other business activities and operations, and
- (b) the segregated wage records can be verified by records of the employer kept for a reason other than for verifying those segregated wage records;

"restaurant" means a cafe, cafeteria, dining room, tea room or coffee room or any place where meals or refreshments are served on order to the public.

**SCHEDULES ESTABLISHED**

**2. Schedules 1, 2, 3 and 4 to this Regulation are established as Schedules 1, 2, 3 and 4 for the purposes of the Act.**

**INDUSTRIES EXCLUDED FROM SCHEDULES 1 AND 2**

**3. The following industries are excluded from Schedules 1 and 2:**

- 1. Barbering and shoe-shining establishments.**
- 2. Educational work, veterinary work and dentistry.**
- 3. Funeral directing and embalming.**
- 4. The business of a photographer.**
- 5. Taxidermy.**

**4. Schedules 1 and 2 of the Act do not include the permanent workers of the fire department of the City of Toronto who are under The Toronto Fire Department Superannuation and Benefit Fund.**

**5. Subject to section 13, anything not itself done by the employer as a business or trade or for profit or gain if, but for this section, it would be an industry included in Schedule 1, is excluded from Schedules 1 and 2, except where it is done as a part of or process in or incidentally to or for or for the purpose of an industry included in Schedule 1.**

**CALCULATION OF EMPLOYER'S PREMIUMS**

**6. (1) For the purposes of calculating an employer's premiums, an operation of the employer that is ancillary to a business activity of the employer shall be deemed to be part of that business activity.**

**(2) If an operation is ancillary to more than one business activity, those portions of the ancillary operation that relate to each business activity shall be deemed to be part of that business activity.**

**(3) An operation is ancillary to a business activity if it supports or is incidental to the business activity and it falls within any one of the following paragraphs:**

- 1. Design, including drafting and engineering, research and development related to goods produced or services provided, or intended to be produced or provided, by the employer.**
- 2. The operation of a plant to produce power or heat for the employer's use.**
- 3. The operation of maintenance or repair shops for the purpose of servicing or repairing the employer's vehicles or equipment.**
- 4. Inventory control.**
- 5. The manufacture of packaging or packing materials to be used in the packaging of goods produced by the employer.**
- 6. Printing or lithography directly onto, or for use on, goods produced or sold by the employer.**
- 7. The warehousing or distribution of goods produced or sold by the employer.**
- 8. The transportation of an employer's personnel or of goods produced or sold by the employer.**
- 9. Wholesaling of goods produced by the employer.**
- 10. The maintaining of security at the employer's premises.**
- 11. Administration related to the employer's operations.**
- 12. Warranty repairs carried out on goods produced or sold by the employer.**
- 13. Marketing, promotion or communication related to goods sold or produced or services provided, or intended to be sold, produced or provided, by the employer.**
- 14. Training of personnel relating to the employer's business activities.**
- 15. The operation of any of the following carried out for the employer's personnel: cafeterias, commissaries, parking lots or health, recreational or day-care facilities.**

**(4) If part of an operation of an employer is ancillary to one or more business activities of the employer and part of the operation is carried on as a business activity then the following rules shall apply:**

1. If the part of the operation that is carried on as a business activity is properly segregated from the part that is ancillary, this section applies only to that ancillary part and the premiums for the part that is carried on as a business activity shall be calculated separately.
2. If the part of the operation that is carried on as a business activity is not properly segregated from the part that is ancillary, the premiums for the entire operation shall be calculated using the highest of the premium rate for the operation and the premium rate or rates of the business activity or activities to which the operation is partly ancillary.
3. The operation shall not be considered to be a business activity for the purposes of section 9.
7. (1) For the purposes of calculating premiums, an operation that is undertaken by an employer so that the employer can commence a business activity shall be deemed to be part of that business activity.
- (2) If an operation is undertaken so that the employer can commence more than one business activity, those portions of the operation that relate to each business activity shall be deemed to be part of that business activity.
- (3) This section does not apply with respect to operations set out in subsection 8 (1).
8. (1) This section applies with respect to the following operations if they form part of a business activity:
  1. High rise forming.
  2. Structural steel erection and steel reinforcing.
  3. Demolition.
  4. Construction of a bridge that has a span between abutments of at least 6.1 metres and a height, at some point, of at least 3.1 metres to the top of the bridge floor.
  5. Construction, excluding repairs relating to ordinary wear and tear, performed by employers who are not in the construction industry.
  6. Logging performed by employers who are not in the logging industry.
  7. Millwright and rigging work performed by employers who are not engaged in a millwright and rigging industry.
  8. Any of the following operated as part of a retail operation: garages for servicing and repairing motor vehicles, restaurants or home improvements and renovations.
- (2) If the operation is properly segregated from the business activity, the premiums for the operation shall be calculated separately.
- (3) If the operation is not properly segregated from the business activity, the premiums for the business activity and the operation shall be calculated using the highest of the premium rate for the operation and the premium rate for the business activity.
- (4) This section does not apply to a small employer within the meaning of paragraph 3 of section 9.
9. If an employer has more than one business activity, the employer's premiums shall be calculated using the highest of the premium rates for the employer's business activities subject to the following rules:
  1. If a business activity of an employer is properly segregated from the employer's other operations, the premiums with respect to that segregated business activity shall be calculated separately.
  2. Subject to paragraph 1, the premiums for a small employer shall be calculated using the premium rate for the employer's predominate business activity during the year for which the employer premiums are calculated.
  3. An employer is a small employer if the employer's annual payroll upon which premiums are payable is less than five times the amount described in subsection 54 (1) of the Act for a one-year period.
  4. A small employer's predominate business activity is the business activity for which the largest percentage of the small employer's annual payroll is paid. In this paragraph, "payroll" means the payroll upon which premiums are payable.
  10. If an employer contracts with another person to have that person carry out an operation that would be a business activity or part of a business activity if the employer carried out the operation, the employer shall, for the purposes of determining what premium rates should apply to the employer, be deemed to be directly carrying out that activity.
  11. (1) If two or more employers are associated and an operation of one would be ancillary to an operation of another if the operations were carried on by a single employer, the premiums for each employer shall be calculated with respect to that employer's operations using the premium rate that would be used to calculate the premiums for those operations if all the operations of the associated employers were carried out by a single employer.
  - (2) Two employers are associated if any of the following apply:
    1. The employers are individuals who are related to each other.
    2. One employer is a corporation and the other employer is,
      - i. a person who controls the corporation,
      - ii. a member of a related group that controls the corporation,
      - iii. an individual who is related to a person described in subparagraph i or a member described in subparagraph ii, or
      - iv. a partnership that controls the corporation.
    3. The employers are corporations and,
      - i. the corporations are controlled by the same person,
      - ii. the corporations are controlled by individuals who are related to each other,
      - iii. one corporation is controlled by an individual who is related to a member of a related group that controls the other corporation, or
      - iv. the corporations are controlled by related groups and a member of one of the related groups is related to a member of the other related group.
    4. The employers are partnerships and there are persons who are general partners of both partnerships and those persons are entitled to share in at least 50 per cent of the profits of each partnership.
  - (3) For the purposes of this section,
    - (a) a person or partnership controls a corporation if enough shares to elect a majority of the board of directors are held, other than as security, by or for the benefit of the person or partnership;



(b) an individual is related to,

(i) the individual's spouse as defined in Part III of the *Family Law Act*,

(ii) the individual's parents,

(iii) the individual's siblings,

(iv) the individual's children;

(c) a related group is a group of individuals each of whom is related to all the other members of the group;

(d) an employer is associated with other employers that are associated with each other if the employer is associated with any one of the others.

#### OPERATIONS CARRIED ON PARTLY AS A BUSINESS

12. The payroll of workers engaged in operations carried on partly as an industry under Schedule 1 and partly as an industry not under Schedule 1 shall be rated and dealt with by the Board as if all the operations were under Schedule 1.

#### SPECULATIVE BUILDING

13. The construction of,

(a) a house or any part of it by an employer who, within three years before the commencement of the house, has completed or has had completed for the employer the building of another house; and

(b) any building or any part of it to sell or rent in whole or in part,

whether or not it is done or carried on as a business or trade for profit or gain and, if not included in Schedule 2, is included in the class or classes of industries in Schedule 1 to which according to the nature of the work it should belong.

#### BANKRUPTCY, WINDING-UP PROCEEDINGS, ETC.

14. (1) Any of the following operations carried out in bankruptcy or winding-up proceedings or under receivership shall be deemed, for the purposes of calculating premiums, to be part of the business activity to which they relate: continuation of a business activity, repairs relating to ordinary wear and tear and taking care of a plant or property used for a business activity or making it ready for sale.

(2) If an operation set out in subsection (1) relates to more than one business activity, those portions of the operation that relate to each business activity shall be deemed to be part of that business activity.

#### DEFAULT IN REPORTING OR FURNISHING PARTICULARS OF ANY ACCIDENT

15. The amount under subsection 21 (3) of the Act that an employer shall pay is,

(a) if the injury arising out of the accident results in a claim for health care only, an amount determined by the Board that is not less than \$25 and not more than \$250; and

(b) if the injury arising out of the accident results in a claim for compensation, an amount determined by the Board that is not less than \$50 and not more than \$250.

#### AVERAGE EARNINGS OF APPRENTICES, LEARNERS AND STUDENTS

16. (1) For the purpose of subsection 53 (4) of the Act, the criteria for determining the average earnings of a worker who is an apprentice, learner or full-time or part-time student are as set out in this section.

(2) The average earnings of a worker who is an apprentice shall be determined with reference to the average earnings of a journeyman employed by the employer in the same trade as that in which the worker was working when injured.

(3) If the employer did not employ a journeyman in the same trade as that in which the worker was working when injured, the average earnings of the worker shall be determined with reference to the average earnings of a journeyman employed in the employer's locality in the same trade.

(4) The average earnings of a worker who is a learner shall be determined as follows:

1. If the worker was, on the date of injury, receiving any income, including training allowances, social assistance benefits, insurance benefits and employment insurance benefits, that would terminate on the worker's receipt of payments for loss of earnings under the Act, the worker's average earnings shall be determined with reference to the total amount of that income.

2. If the worker was not, on the date of injury, receiving any income described in paragraph 1, the worker's average earnings shall be determined with reference to the minimum wage in effect in Ontario on the date of injury.

3. In making a determination as to average earnings under paragraph 1 or 2, if the worker was employed under a contract of service concurrent with the probationary work program or training program, the Board shall also take into account earnings from the employment.

4. Despite paragraphs 1 and 2, if the worker had accepted an offer of employment that was to begin at the completion of the probationary work program, the training program or a session of such a program, the worker's average earnings shall be determined with reference to the average earnings the worker would earn in that employment.

(5) The average earnings of a worker who is a learner shall be recalculated,

(a) when the worker has completed the training program or probationary work; or

(b) if the worker is unable to complete the training program or probationary work as a result of the injury, when the worker would have completed the training program or probationary work if the injury had not occurred.

(6) The average earnings of a worker recalculated under subsection (5) shall be determined with reference to,

(a) the average earnings of a worker employed by the employer in the same trade as that in which the worker was working when injured;

(b) if the employer does not employ a worker in the same trade as that in which the worker was working when injured, the average earnings of a worker employed in the employer's locality in the same trade; or

(c) if there is no worker employed in the employer's locality in the same trade, the average earnings of a worker employed in the closest analogous employment with the employer or others in the locality.

(7) In making a determination under clause (6)(c), the Board shall consider what the worker's level of education, aptitude and skills would likely have been at the completion of the training program.

(8) The average earnings of a worker who is a student shall be determined following the date of injury taking into account,

- (a) the rate per week at which the worker was remunerated by each of the employers for whom he or she worked when the worker was injured;
- (b) any pattern of employment that resulted in a variation in the worker's earnings; and
- (c) such other information as it considers appropriate.

(9) The average earnings of a worker who is a student shall be recalculated,

- (a) if the worker is unable to complete his or her education as a result of the injury, when the worker would have completed his or her education if the injury had not occurred; or
- (b) in any other case, when the worker has ended his or her education.

(10) The average earnings of a worker recalculated under subsection (9) shall be determined with reference to the average earnings of a worker employed in a job in which the injured worker would likely be employed if the injury had not occurred.

(11) A determination under subsection (10) shall be based upon the average industrial wage for the year in which the worker's injury occurred, and upon the worker's level of education and his or her aptitude and skills at the time of the injury.

(12) For the purpose of subsection (11), the average industrial wage for a year is the amount determined under subsection 54 (2) of the Act.

#### TRAINING AGENCIES

17. The following classes are prescribed for the purposes of clause (b) of the definition of "training agency" in subsection 69 (1) of the Act:

- 1. Educational institutions.
- 2. Persons, partnerships, organizations, trade unions and other entities that arrange vocational training or provide vocational services.

#### RATING SCHEDULE

18. (1) The American Medical Association *Guides to the Evaluation of Permanent Impairment* (third edition revised) as it read on January 14, 1991 is prescribed as the rating schedule for the purposes of subsection 47 (2) of the Act.

(2) The criteria prescribed for the purposes of subsection 47 (2), for impairments not provided for in the rating schedule, are the criteria in the listings in the rating schedule for those body parts, systems or functions which are most analogous to the conditions of the worker.

#### POSTING UP INFORMATION REGARDING ACT

19. Every Schedule 1 employer and every Schedule 2 employer shall post up and keep posted up in conspicuous places within easy access of the workers such card, pamphlet or other information concerning the Act or this Regulation as is supplied to the employer by the Board.

#### REPEAL AND COMMENCEMENT

20. (1) Regulation 1102 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 6/91, 758/91, 276/92, 746/92, 747/92, 899/93, 900/93 and 716/94 are revoked.

(2) For greater certainty, the revocation of Regulation 1102 of the Revised Regulations of Ontario, 1990 does not affect its application under section 102 of the Act.

21. This Regulation shall be deemed to have come into force on January 1, 1998.

#### Schedule 1

##### INDUSTRIES THE EMPLOYERS IN WHICH A RELIABLE TO CONTRIBUTE TO THE INSURANCE FUND

##### CLASS A - FOREST PRODUCTS

1.
  - i. Lumbering.
  - ii. Bark peeling.
  - iii. Booming.
  - iv. Cord-wood cutting.
  - v. Logging.
  - vi. Rafting.
  - vii. River driving.
2.
  - i. Manufacturing,
    - A. cooperage stock;
    - B. headings;
    - C. staves;
    - D. spokes;
    - E. veneer;
    - F. veneer articles; and
    - G. plywood.
  - ii. Operating,
    - A. lath mills;
    - B. sawmills;
    - C. shingle mills; and
    - D. lumber yards in connection with sawmills.
  - iii. Rossing.
3.
  - i. Creosoting of timbers.
  - ii. Kiln drying.
4.
  - i. Manufacturing,
    - A. corrugated-paper boxes and corrugated-papers cases;
    - B. fibre-board; and
    - C. fibre-board boxes and fibre-board cases.
  - ii. Operating,
    - A. paper mills;
    - B. pulp mills;
    - C. pulp mills and paper mills and pulp and paper mills;
    - D. planing mills; and
    - E. lumber yards in connection with planning mills.

##### CLASS B - MINING AND RELATED INDUSTRIES

1. Mining.
2. Diamond drilling.
3. Reduction of ores.
4. Treatment of ores or minerals.
5.
  - i. Shaft sinking in or for mines.
  - ii. Cross cutting and drifting in or for mines.
6. Prospecting and development work.
7. Line cutting.
8.
  - i. Operating oil wells.
  - ii. Operating gas wells.
  - iii. Well boring and drilling.

9.
  - i. Operating sand pits, shale pits, or gravel pits.
  - ii. Stone crushing.
  - iii. Quarrying (including on-site stone cutting and stone dressing).
10. Operating marble-works.
11. Manufacturing peat fuel.
12. Milling of gypsum, lime, limestone or other stone.

## CLASS C - OTHER PRIMARY INDUSTRIES

1. Operation of a tobacco farm, mushroom farm, fur farm, fruit farm, other than tree fruits, chicken farm, turkey farm, chick hatchery, apiary, nursery, market garden, mechanical cultivator; and the production of flowers for sale.
2. Operation of a general farm, tree fruit farm, Christmas tree farm, dairy farm, stock farm, horse farm, ensilage cutter, hay baling machine, threshing machine; farm drainage contractor; and the production of cash crops that are mechanically harvested.
3. Seed cleaning, not as part of a country grain elevator service.
4. Well digging.
5. Landscaping or sodding.
6. Fishing.

## CLASS D - MANUFACTURING

1.
  - i. Manufacturing,
    - A. artificial limbs;
    - B. bed springs;
    - C. canoes;
    - D. coffins;
    - E. cork articles;
    - F. cork carpets;
    - G. fixtures of wood;
    - H. furniture;
    - I. linoleum;
    - J. mattresses;
    - K. organs;
    - L. phonographs;
    - M. pianos;
    - N. piano actions or piano keys;
    - O. skiffs;
    - P. small boats; and
    - Q. wicker and rattan ware.
  - ii. Installing pipe organs.
  - iii. Upholstering.
2.
  - i. Manufacturing,
    - A. excelsior;
    - B. hardwood flooring; and
    - C. wooden packing cases or wooden boxes.
  - ii. Operating,
    - A. moulding mills;
    - B. sash factories or door factories, and sash and door factories; and
    - C. lumber yards in connection with sash factories or door factories, and sash and door factories.
3.
  - i. Manufacturing,
    - A. basket bottoms;
    - B. baskets;
    - C. cheese boxes;
    - D. churns;
    - E. spokes and hubs for wooden vehicles;
    - F. toys and novelties;
    - G. turned and shaped goods; and
    - H. wooden barrels or kegs.
4.
  - i. Manufacturing,
    - A. brooms;

- B. brushes;
- C. carpet sweepers;
- D. door screens;
- E. dusters;
- F. grilles;
- G. hockey sticks;
- H. lacrosse sticks;
- I. ladders;
- J. lead pencils;
- K. matches;
- L. mops;
- M. musical instruments;
- N. picture frames;
- O. pressed-wood pulleys;
- P. pumps;
- Q. screens or window shades;
- R. shade rollers;
- S. skis;
- T. sport racquets;
- U. toboggans; and
- V. venetian blinds made of wood and other articles made of wood.

- ii. Carpenter work, joiner work or cabinet work, in a shop.
- iii. Hand carving.

5. Manufacturing cement.
6. Manufacturing,
  - i. bricks, including the operation of clay pits;
  - ii. fire proofing;
  - iii. foundry facings;
  - iv. porcelain;
  - v. pottery;
  - vi. roof tile;
  - vii. sewer pipe;
  - viii. terra-cotta; and
  - ix. tile.
7.
  - i. Manufacturing glass or glass products.
  - ii. Glass cutting.
8.
  - i. Stone cutting and stone dressing (not on quarry site).
  - ii. Monument making.
9.
  - i. Manufacturing,
    - A. artificial brick and artificial stone;
    - B. cement blocks or cement tile;
    - C. plaster board, plaster blocks or plaster casts;
    - D. slate; and
    - E. stone paving blocks or artificial stone paving blocks.
  - ii. Operating lime kilns.
  - iii. Lime burning.
  - iv. Manufacturing coal briquettes.
10.
  - i. Manufacturing heavy forgings.
  - ii. Operating,
    - A. rolling mills; and
    - B. steel works.
  - iii. Smelting of iron, with blast furnace.
11. Smelting of ores, not including iron.
12. Manufacturing,
  - i. abrasives;
  - ii. alundum;
  - iii. artificial abrasives and artificial graphite;
  - iv. carbon electrodes;
  - v. carborundum;
  - vi. ferro alloys; and
  - vii. metal pipe and metal tube.
13.
  - i. Manufacturing,

- A. a babbitt metal;
- B. cast hot-water boilers and cast radiators;
- C. metal sanitary ware;
- D. metal water fixtures;
- E. metal bedsteads;
- F. pipe fittings;
- G. wrought iron pipe or wrought iron tubing; and
- H. patterns.
- ii. Operating,
  - A. foundries; and
  - B. lead works.
- 14. Fabrication of structural,
  - i. iron;
  - ii. metal; and
  - iii. steel.
- 15.
  - i. Ship building or ship repairing.
  - ii. Operation of dry docks.
- 16.
  - i. Manufacturing,
    - A. ammunition shells, without explosives;
    - B. carriage mountings;
    - C. chains;
    - D. cream separators;
    - E. cutlery;
    - F. electric apparatus, appliances or motors;
    - G. electric fixtures;
    - H. firearms;
    - I. furnaces;
    - J. gas fixtures;
    - K. hardware;
    - L. light forgings;
    - M. machinery;
    - N. metal,
      - 1. axles, springs or vehicle parts,
      - 2. awnings,
      - 3. doors,
      - 4. instruments,
      - 5. refrigerators,
      - 6. screens,
      - 7. toys,
      - 8. utensils,
      - 9. wares, and
      - 10. window frames;
    - O. ranges;
    - P. sheet-metal wares or articles;
    - Q. sheet-metal enamelled wares or articles;
    - R. sporting goods;
    - S. steel bedsteads;
    - T. tools;
    - U. tin-ware articles;
    - V. washing machines; and
    - W. other metal articles.
  - ii. Operating,
    - A. machine shops;
    - B. automotive machine shops; and
    - C. metal-stamping works.
  - iii. Heat treating.
- 17. Manufacturing,
  - i. boilers;
  - ii. cranes;
  - iii. engines;
  - iv. freight or passenger elevators or escalators, including erection, installation, repair and maintenance;
  - v. iron stairs;
  - vi. metal,
- A. ceiling,
- B. roofing,
- C. shingles, and
- D. siding;
- vii. other metal sheets;
- viii. ornamental iron for buildings or fences;
- ix. safes; and
- x. steel,
  - A. barrels,
  - B. drums, and
  - C. tanks.
- 18.
  - i. Manufacturing,
    - A. bolts;
    - B. cables;
    - C. cold-drawn shafting;
    - D. lightning rods;
    - E. metal flag staffs;
    - F. nails;
    - G. nuts;
    - H. screws;
    - I. windmills; and
    - J. wires.
  - ii. Manufacturing,
    - A. screens; and
    - B. wire baskets, cages, cloth, fencing and other wire goods.
- 19.
  - i. Manufacturing,
    - 1. adding machines;
    - 2. batteries, dry and storage;
    - 3. buttons of metal, pearl, ivory or horn;
    - 4. cameras;
    - 5. cash registers;
    - 6. celluloid articles;
    - 7. clocks;
    - 8. electric shavers;
    - 9. gold, silver and plated ware;
    - 10. incandescent lamps;
    - 11. ivory articles;
    - 12. jewellery;
    - 13. machine needles;
    - 14. musical instruments;
    - 15. neon-tube lights;
    - 16. optical goods;
    - 17. phonograph records;
    - 18. photographic supplies;
    - 19. plaster statuary;
    - 20. articles made from plastics;
    - 21. radios and television sets, including servicing;
    - 22. radio tubes;
    - 23. rubber stamps or stencils;
    - 24. scales;
    - 25. sewing machines;
    - 26. typewriters;
    - 27. vacuum cleaners; and
    - 28. watches and watch cases.
  - ii. Operating a storage battery business.
  - iii. Operating dental laboratories.
  - iv. Plating.
  - v. Polishing and buffing.
  - vi. Vacuum metallizing.
  - vii. Galvanizing.
  - viii. Metal enamelling.
  - ix. Tinning.
  - x. Die-casting.
- 20. Manufacturing,

- i. agricultural implements;
  - ii. carriages;
  - iii. farm tractors;
  - iv. motor truck bodies
  - v. sleighs;
  - vi. threshing machines; and
  - vii. vehicles, other than self-propelled vehicles.
21. i. Manufacturing,
- A. automobiles;
  - B. automobile bodies;
  - C. aeroplanes;
  - D. baby carriages;
  - E. bicycles;
  - F. locomotives;
  - G. motorcycles;
  - H. motor trucks;
  - I. toy wagons or toy sleighs; and
  - J. tricycles.
- ii. Painting vehicles or vehicle parts, by the manufacturer or as a business other than by autobody repair shops.
- iii. Automobile trimming or automobile painting, by the manufacturer.
- iv. Operating spray painting shops other than by autobody repair shops.
- v. Manufacturing gun carriages.
- vi. Operating car shops.
22. i. Manufacturing,
- A. gasoline, petroleum and petroleum products; and
  - B. gas.
- ii. Operating by-product coke ovens.
- iii. Manufacturing,
- A. asphalted, pitched or tarred paper;
  - B. dry colour;
  - C. japan and other driers;
  - D. oil;
  - E. paint;
  - F. printing ink;
  - G. printers' rollers;
  - H. salt;
  - I. soap;
  - J. tar;
  - K. turpentine; and
  - L. varnish.
23. Manufacturing,
- i. ammonia;
  - ii. celluloid;
  - iii. charcoal;
  - iv. corrosive acids or corrosive chemicals;
  - v. plastic compounds;
  - vi. salts; and
  - vii. wood alcohol.
24. Manufacturing,
- i. baking powder;
  - ii. candles;
  - iii. drugs;
  - iv. dyes;
  - v. extracts;
  - vi. medicines;
  - vii. mucilage;
  - viii. non-corrosive acids or non-corrosive chemical preparations;
  - ix. non-hazardous chemical preparations;
  - x. perfumes;
  - xi. pharmaceutical or toilet preparations;
  - xii. shoe polish or shoe blacking;
  - xiii. wax crayons;
- xiv. writing ink; and
  - xv. yeast.
25. Manufacturing,
- i. cartridges;
  - ii. cordite or other high explosives;
  - iii. dynamite;
  - iv. fireworks;
  - v. fuses;
  - vi. gunpowder;
  - vii. guncotton;
  - viii. nitroglycerine; and
  - ix. torpedoes.
26. i. Manufacturing,
- A. cattle foods; and
  - B. fertilizers.
- ii. Milling.
- iii. Operating clover mills.
27. i. Manufacturing,
- A. glue; and
  - B. meat products.
- ii. Butchering.
- iii. Operating,
- A. abattoirs; and
  - B. packing houses.
- iv. Preparation of meats.
28. Manufacturing,
- i. butter;
  - ii. cheese; and
  - iii. dairy products.
29. i. Manufacturing,
- A. biscuits;
  - B. cereals or cereal products;
  - C. chewing gum;
  - D. chocolate;
  - E. cocoa;
  - F. confectionery; and
  - G. macaroni.
- ii. Operating bakeries.
30. i. Manufacturing,
- A. cider;
  - B. condensed milk or condensed cream;
  - C. fruit juices;
  - D. jam;
  - E. spices and condiments; and
  - F. vinegar.
- ii. Canning or preparation of fish, fruit, vegetables or other foodstuff.
- iii. Operating pickle factories.
- iv. Roasting and grinding coffee and roasting nuts.
- v. Blending or packaging of tea.
31. i. Manufacturing,
- A. glucose;
  - B. malt or malt products; and
  - C. starch.
- ii. Operating sugar refineries.
32. i. Manufacturing,
- A. alcohol;
  - B. malt liquors;
  - C. methylated spirits;
  - D. mineral waters;
  - E. soda-water;
  - F. spirituous liquors; and
  - G. wine.

- ii. Operating,
      - A. breweries, including distribution; and
      - B. distilleries, including distribution.
  - 33. Manufacturing,
    - A. cigarettes;
    - B. cigars; and
    - C. tobacco or tobacco products.
  - 34.
    - i. Embossing leather.
    - ii. Japanning patent leather.
    - iii. Operating tanneries.
    - iv. Preparation of furs or hides.
    - v. Wool pulling.
  - 35.
    - i. Manufacturing,
      - A. belting;
      - B. harness;
      - C. saddlery;
      - D. trusses; and
      - E. other goods and products of leather.
    - ii. Manufacturing,
      - A. footwear;
      - B. purses;
      - C. suitcases;
      - D. trunks;
      - E. valises; and
      - F. whips.
  - 36. Manufacturing,
    - A. belting;
    - B. gloves;
    - C. golf balls;
    - D. hose;
    - E. imitation leather;
    - F. tires;
    - G. tubing; and
    - H. other goods and products of rubber.
  - 37.
    - i. Manufacturing,
      - A. bags;
      - B. binder twine;
      - C. blankets;
      - D. braids;
      - E. canvas;
      - F. carpets;
      - G. cloth;
      - H. cordage;
      - I. cotton waste;
      - J. fabrics;
      - K. felt;
      - L. felt hats;
      - M. fibre or asbestos goods;
      - N. haircloth or goods;
      - O. hosiery;
      - P. manila or hemp goods or manila or hemp products;
      - Q. ropes;
      - R. rugs;
      - S. shoddy;
      - T. shoe laces;
      - U. textiles;
      - V. thread; and
      - W. yarn.
    - ii. Bleaching, dyeing or finishing fabrics.
    - iii. Operating,
      - A. flax-mills; and
      - B. weaving mills.
    - iv. Knitting and spinning.
    - v. Wool scouring.
  - 38.
    - i. Manufacturing,
      - A. articles from leather or fabric;
      - B. artificial Christmas trees;
      - C. artificial feathers and artificial flowers;
      - D. awnings, canvas goods, tarpaulins or tents;
      - E. caps;
      - F. clothing pads;
      - G. collars;
      - H. corsets;
      - I. embroidery;
      - J. furs;
      - K. gloves;
      - L. hats, other than felt;
      - M. labels or crests;
      - N. lamp shades, including assembling electric lamps;
      - O. men's clothing;
      - P. mittens;
      - Q. neck ties;
      - R. quilts;
      - S. robes;
      - T. shirts;
      - U. stuffed dolls;
      - V. white wear;
      - W. window drapes;
      - X. window shades; and
      - Y. women's clothing.
    - ii. Covering umbrellas.
  - 39.
    - i. Printing and publishing, including job work.
    - ii. Publishing.
  - 40.
    - i. Manufacturing,
      - A. cardboard boxes;
      - B. jewellery cases;
      - C. paper bags or other articles of paper;
      - D. papier-mache articles;
      - E. playing cards, including printing;
      - F. stationery; and
      - G. wallpaper.
    - ii. Blueprinting.
    - iii. Book binding.
    - iv. Coating and finishing of paper.
    - v. Embossing.
    - vi. Engraving or photoengraving, not including printing.
    - vii. Job printing.
    - viii. Lithographing, including mounting and finishing.
    - ix. Multigraphing.
    - x. Multilithing.
    - xi. Operating tape-setting foundries and tape foundries.
    - xii. Paper oiling and paper waxing.
    - xiii. Printing and gumming paper tape.
    - xiv. Silk screen printing.
    - xv. Steel plate bank note engraving and printing.
    - xvi. Stereotyping and electrotyping.
  - 41.
    - i. Manufacture and erection of signs.
    - ii. Sign painting or lettering.
  - 42. Mixing and delivering ready-mixed concrete.
  - 43.
    - i. Manufacturing artificial ice, including handling and delivering.
    - ii. Cutting, storing, handling and delivering natural ice.
  - 44. Manufacturing,
    - A. asphalt; and
    - B. paving material.
- CLASS E - TRANSPORTATION AND STORAGE
- 1. Hauling or loading logs on cars, trucks or vessels.
  - 2. Operating grain elevators.

3.
  - i. Carting, teaming and trucking.
  - ii. Loading or unloading cars or other vehicles.
  - iii. Stevedoring.
  - iv. Operation of aeroplanes, airships or other flying machines.
  - v. Operations of forwarding companies or persons engaged in the business of transportation by canoes, scows or sleighs.
  - vi. Operation of wharves or work upon wharves.
  - vii. Sanding streets or roads.
  - viii. Scavengering.
  - ix. Street cleaning or removal of snow or ice.
  - x. Warehousing or storage, with carting, teaming or trucking.
  - xi. Warehousing or storage, without carting, teaming or trucking.
  - xii. Business of supplying truck drivers.
  - xiii. Conveying passengers by automobile or trolley coach.
  - xiv. Operating a taxicab business.

4. Operation of railways, not included in Schedule 2.

CLASS F - RETAIL AND WHOLESALE TRADES

1.
  - i. Operation of the business of selling, servicing or repairing machinery and equipment with its warehousing or distributing.
  - ii. Operation of the business of selling, renting, servicing or repairing boats, outboard motors and related equipment with its warehousing or distributing.
  - iii. Operation of marinas and boat rentals.
2.
  - i. Automobile slip-cover installation.
  - ii. Operating,
    - A. service stations;
    - B. garages; and
    - C. autobody repair shops, including painting or trimming vehicles, other than by the manufacturer.
  - iii. Salvaging automobile parts.
  - iv. Wrecking automobiles.
  - v. New and used automobile-sales business.
  - vi. New and used trailer sales or rental business.
  - vii. Operating auto rental agencies.
  - viii. Operating auto laundries.
  - ix. Auto and marine upholstery.
3. Operation of tire sales and tire service business.
4.
  - i. Transmitting and distributing gasoline, petroleum and petroleum products.
  - ii. Distributing and transmitting propane gas.
  - iii. Distributing and transmitting bulk acids.
5.
  - i. Warehousing or handling of grain.
  - ii. Seed cleaning, as part of a country grain elevator service.
  - iii. Buying and selling, with handling, of seed, feed, flour and grain.
6.
  - i. Distribution of brewery or distillery products.
  - ii. Brewers' warehouses, including distribution.
7. Buying and selling, with handling, of,
  - A. builders' supplies;
  - B. coal;
  - C. ice;
  - D. lumber;
  - E. metals other than scrap metals;
  - F. scrap metals, other than motor vehicles;
  - G. second hand materials; and
  - H. wood.
8. Picture framing.

9. Operation of a wholesale mercantile business.
10. Operation of a retail mercantile business.

CLASS G - CONSTRUCTION

1. Construction and repair of dams, camps, buildings and roads.
2. Erecting wire fences.
3.
  - i. Construction of,
    - A. airports;
    - B. bridges;
    - C. culverts or small bridges;
    - D. high rise concrete forming;
    - E. roads;
    - F. sewers;
    - G. sidewalks; and
    - H. waterworks systems, including operation and maintenance.
  - ii. Blasting work.
  - iii. Bulldozer operations.
  - iv. Business of,
    - A. land clearing or land cleaning;
    - B. stumping or grubbing; and
    - C. rental and operation of construction equipment or machinery with operator.
  - v. Excavating.
  - vi. Laying of mains and connections.
  - vii. Pipe-line construction.
  - viii. Shaft sinking, not related to mining.
  - ix. Trenching.
  - x. Tunnelling.
  - xi. Test boring and earth sampling.
  - xii. Installation or erection of reinforcing steel.
  - xiii. Subway construction.
4.
  - i. Erection of,
    - A. prefabricated structural steel or concrete by a manufacturer, a general contractor or as a business;
    - B. steel bridges or prefabricated concrete bridges by the manufacturer or as a business.
  - ii. Erection, installation and repair of,
    - A. chimneys;
    - B. fire escapes;
    - C. stacks (high metal);
    - D. stand pipes;
    - E. water towers; and
    - F. windmills.
  - iii. Erection, installation and repair, by the manufacturer or as a business, of,
    - A. boilers;
    - B. engines;
    - C. heavy machinery;
    - D. iron stairs;
    - E. ornamental metal work on buildings; and
    - F. tanks.
  - iv. Wrecking of machinery.
  - v. Gas welding or electric welding.
  - vi. Operating blacksmith shops.
5.
  - i. Construction of,
    - A. breakwaters;
    - B. canals;
    - C. dams;
    - D. dry docks;
    - E. harbour improvements;
    - F. piers;
    - G. railways not included in Schedule 2, not including bridge construction; and
    - H. wharves.

- ii. Canal or dam maintenance.
- iii. Dredging.
- iv. Pile driving.
- v. Sand sucking.
- vi. Subaqueous construction.
- vii. Diving.
- viii. Caisson work.
- 6. i. Construction or erection of,
  - A. blast furnaces;
  - B. chimney stacks;
  - C. coke ovens;
  - D. filtration plants;
  - E. grain elevators;
  - F. power plants;
  - G. pulp mills;
  - H. pumping stations;
  - I. sewage disposal plants; and
  - J. other high structures.
- ii. Bricklaying.
- iii. Cement work or concrete work.
- iv. Construction of buildings or construction in respect of buildings.
- v. Moving of houses or other buildings.
- vi. Lathing.
- vii. Mason work.
- viii. Plastering.
- ix. Pointing.
- x. Roofing.
- xi. Sand blasting.
- xii. Steam cleaning of buildings.
- xiii. Stone setting.
- xiv. Structural carpentry.
- xv. Window cleaning.
- xvi. Wrecking of buildings by a general contractor or as a business.
- xvii. Business of supplying labour for the wrecking of buildings.
- 7. i. Installation of,
  - A. lighting fixtures; and
  - B. marble, mosaic or tile in interior of buildings.
- ii. Electric wiring of buildings.
- iii. Erection of,
  - A. radio aerials and television aerials; and
  - B. lightning rods.
- iv. Floor laying.
- v. Gas fitting or steam fitting.
- vi. Plumbing, heating or sanitary engineering.
- vii. Sheet-metal work.
- viii. Inspection or testing of construction projects and operating installations.
- ix. Inspection by radiation devices.
- 8. i. Caulking.
- ii. Glazing or installation of plate glass or leaded glass.
- iii. Installation, including sale of,
  - A. air conditioning;
  - B. commercial refrigeration;
  - C. furnaces, oil burners and other heating appliances;
  - D. metal ceiling, metal siding and other metal sheets; and
  - E. metal window frames, metal screens, metal doors and metal awnings.
- iv. Insulating, including pipe covering.
- v. Painting or decorating.
- vi. Steeple-jack work.
- vii. Weather stripping.

## CLASS H - GOVERNMENT AND RELATED SERVICES

- 1. Distributing and transmitting natural gas.
- 2. i. Construction, installation or operation of,
  - A. electric power lines; and
  - B. electric power-transmission lines, not included in Schedule 2.
- ii. Construction or operation when performed as part of the business of,
  - A. electric-light systems;
  - B. electric-light works; and
  - C. electric power plants, not included in Schedule 2.
- iii. Construction, installation or maintenance of telephone or telegraph lines and works as a business.
- iv. Construction, installation or maintenance of cable television lines and works as a business.
- 3. Operation of hospitals, regional and independent schools of nursing financed through public hospitals, sanatoria, convalescent homes, nursing homes and visiting nursing associations.
- 4. Operation of medical research laboratories, including inspecting or testing.

## CLASS I - OTHER SERVICES

- 1. Mining consultants, mining engineers, mining geologists, mining geochemists, mining geophysicists.
- 2. Photographic finishing.
- 3. i. Photostating.
- ii. Mimeographing.
- 4. Operating parking stations or parking lots.
- 5. Steam-cleaning other than buildings.
- 6. i. Bleaching, dyeing or cleaning.
- ii. Operating laundries.
- iii. Pressing.
- iv. Towel and toilet supply business.
- 7. Advertising display work.
- 8. i. Operation of the business of servicing or repairing electric motors, machinery and equipment, excluding boats, outboard motors and related equipment.
- ii. Operation of the business of servicing or repairing electric motors, machinery and equipment, excluding boats, outboard motors and related equipment.
- 9. Business of supplying labour other than clerical.
- 10. Operation of a telephone or telegraph service, not included in Schedule 2, including construction, installation or maintenance of telephone or telegraph lines and works when performed as part of the business of a telephone or telegraph service.
- 11. Operation of a cable television service, including construction, installation or maintenance of cable television lines and works when performed as part of the business of a cable television service.
- 12. Operation of hotels, motels, cottage sites, camp sites and trailer sites, where not operated in or for another industry included in this Schedule or Schedule 2.
- 13. i. Operation of an office building whether operated as a business or by the operator for own use; and
- ii. Building caretaking and janitorial service as a business.
- 14. Operation of a building rented wholly or partly for manufacturing, retailing, wholesaling or warehousing.
- 15. Operation of a restaurant business, where not operated in or for another industry included in this Schedule or Schedule 2.



16. Catering, including the operation of boarding cars, canteens and commissary work.
17. Catering by or in connection with the logging industry or its contractors.
18. Operation of theatres and places for exhibition of moving pictures or television, under licence issued under the *Theatres Act*.
19. Business of supplying clerical employees and business of accountants, architects, drafters or engineers.
20. Operation of an apartment building.
21. Packaging as a business.
22. Paper pattern making.
23. Commissionaires.
24. Security guards.
25. Land surveying.
26. Operation of research laboratories, including inspecting or testing (other than medical).
27. Full-time domestics.

### Schedule 2

#### INDUSTRIES THE EMPLOYERS IN WHICH ARE INDIVIDUALLY LIABLE TO PAY BENEFITS UNDER THE INSURANCE PLAN

1. Any trade or business within the meaning of section 68 of the Act.
2. The construction or operation of railways operated by steam, electric or other motive power, street railways and incline railways, but not their construction when constructed by any person other than the company that owns or operates the railway.
3. The construction or operation of car shops, machine shops, steam plants and power plants and other works for the purposes of any railway mentioned in paragraph 2 or used or to be used in connection with it when constructed or operated by the company that owns or operates the railway.
4. The construction or operation of telephone lines and works within the legislative authority of the Parliament of Canada, for the purposes of the business of a telephone company or used or to be used in connection with its business when constructed or operated by the company.
5. The construction or operation of telegraph lines and works for the purpose of the business of a telegraph company or used or to be used in connection with its business when constructed or operated by the company.
6. The construction or operation of boats, ships, vessels and works for the purposes of the business of a navigation company, corporation or person carrying on a navigation business or used or to be used in connection with the business when constructed or operated by the company, corporation or person, and all other navigation, towing and marine wrecking carried on as a business.
7. The operation of the business of an express company that operates on or in conjunction with a railway, or of sleeping cars, parlour cars or dining cars, whether operated by the railway company or by an express, sleeping car, parlour car or dining car company.
8. The construction or operation of a bridge connecting Ontario with an adjacent province or state, but not its construction when constructed by any person or company other than the person or company owning or operating the bridge.

9. Any employment by or under the Crown in right of Ontario and any employment by a permanent board or commission appointed by the Crown in right of Ontario.
10. An airline that has a regularly scheduled international passenger service and works constructed or operated by the airline and used or intended to be used for or in connection with the business of the airline.

### Schedule 3

#### OCCUPATIONAL DISEASES (PRESUMED UNDER SUBSECTION 15 (3) OF THE ACT)

COLUMN 1		COLUMN 2
Description of Disease		Process
1.	Anthrax	Handling of wool, hair, bristles, hides and skins
2.	Infected blisters	Any process involving continuous friction
3.	Bursitis	
4.	Epitheliomatous cancer or ulceration of the skin due to tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of these substances	Handling or use of tar, pitch, bitumen, mineral oil or paraffin or any compound, product or residue of any of these substances
5.	Compressed-air illness or caisson disease	Any process carried on in compressed air
6.	Dermatitis venenata	
7.	Poisoning and its sequelae by <ol style="list-style-type: none"> <li>i. arsenic</li> <li>ii. benzol</li> <li>iii. beryllium</li> <li>iv. brass, nickel or zinc</li> <li>v. cadmium</li> <li>vi. carbon bisulphide</li> <li>vii. carbon dioxide</li> <li>viii. carbon monoxide</li> <li>ix. chlorinated hydro-carbons (carbon tetrachloride, trichlorethylene, tetrachlorethane, trichloronaphthalene and others)</li> <li>x. chrome</li> </ol>	Any process involving the use of arsenic or its preparations or compounds Any process involving the use of benzol Any process involving the use of beryllium or its preparations or compounds Any process involving the use of brass or nickel or melting or smelting zinc Any process involving the use of cadmium or its preparations or compounds Any process involving the use of carbon bisulphide or its preparations or compounds Any process involving the evolution of carbon dioxide Any process involving the evolution of carbon monoxide Any process in the manufacture or involving the use of these substances Any process involving the use of chromium or its compounds

	xi. lead	Any process involving the use of lead or its preparations or compounds
	xii. mercury	Any process involving the use of mercury or its preparations or compounds
	xiii. nitro derivatives and amino derivatives of benzene, phenol and their homologues (trinitrotoluene, dinitrophenol, anilin and others)	Handling any nitro derivatives or amino derivatives of benzene or phenol or any of their homologues or any process in the manufacture or use thereof
	xiv. nitrous fumes	Any process in which nitrous fumes are evolved
	xv. phosphorus	Any process involving the use of phosphorus or its preparations or compounds
8.	The pneumoconioses other than silicosis	
9.	Any disease due to exposure to X-rays, radium or other radioactive substances	
10.	Respiratory disease due to the inhalation of materials used in non-offset sprays	Any process or occupation involving the use of non-offset sprays in the printing industry
11.	Retinitis due to electro-welding or acetylene-welding	
12.	Silicosis	Mining or quarrying, cutting, crushing, grinding or polishing stone, or grinding or polishing metal
13.	Teno-synovitis	
14.	Tuberculosis contracted by an employee employed by and in, <ul style="list-style-type: none"> <li>i. a hospital, jail, sanatorium, convalescent home, nursing home, home for the aged, health unit or visiting nursing association included in Schedule 1 or 2; or</li> <li>ii. a laboratory, reform institution, health unit or treatment centre operated by the Province of Ontario</li> </ul>	

15.	Ulceration of the corneal surface of the eye, due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances	Handling or use of tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances
16.	Primary cancer of the nasal cavities or of paranasal sinuses	Concentrating, smelting or refining in the nickel producing industry

## Schedule 4

OCCUPATIONAL DISEASES (DEEMED UNDER  
SUBSECTION 15 (4) OF THE ACT)

COLUMN 1		COLUMN 2
Description of Disease		Process
1.	Asbestosis	Any mining, milling, manufacturing, assembling, construction, repair, alteration, maintenance or demolition process involving the generation of airborne asbestos fibres
2.	Primary malignant neoplasm of the mesothelium of the pleura of peritoneum	Any mining, milling, manufacturing, assembling, construction, repair, alteration, maintenance or demolition process involving the generation of airborne asbestos fibres
3.	Primary cancer of the nasal cavities or of paranasal sinuses	Any process at the Copper Cliff sinter plant of Inco Limited
4.	Primary cancer of the nasal cavities or of paranasal sinuses	Any process in the Port Colborne leaching, calcining and sintering department of Inco Limited that was practised before January 1, 1966

WORKPLACE SAFETY AND INSURANCE BOARD:

GLEN WRIGHT  
ChairLINDA ANGOVE  
Secretary

Dated on March 6, 1998.

19/98

**ONTARIO REGULATION 176/98**

made under the

**FAMILY RESPONSIBILITY AND SUPPORT  
ARREARS ENFORCEMENT ACT, 1996**

Made: April 24, 1998

Filed: April 24, 1998

**COST OF LIVING ADJUSTMENTS—METHODS OF  
CALCULATION**

1. The following manners of calculating cost of living adjustments required by a support order or a support deduction order are prescribed for the purposes of subsections 7 (4) to (7) of the Act:

1. A calculation made by applying cost of living adjustment factors derived from any part of the Consumer Price Index.
2. A calculation made by applying either the greater or the lesser of,
  - i. a percentage change in the payor's or recipient's income, and
  - ii. a percentage change in the Consumer Price Index,
 as specified in the support order or support deduction order.
3. A calculation made by applying a rate of increase or decrease specified in the support order or support deduction order.
4. A calculation made in accordance with the methods specified in Quebec legislation dealing with cost of living adjustments to support orders.

**RÈGLEMENT DE L'ONTARIO 176/98**

pris en application de la

**LOI DE 1996 SUR LES OBLIGATIONS FAMILIALES ET  
L'EXÉCUTION DES ARRIÉRÉS D'ALIMENTS**

pris le 24 avril 1998

déposé le 24 avril 1998

**RAJUSTEMENTS RELATIFS AU COÛT DE LA VIE  
— MODES DE CALCUL**

1. Les façons suivantes d'effectuer le calcul des rajustements relatifs au coût de la vie qu'exige une ordonnance alimentaire ou une ordonnance de retenue des aliments sont prescrites pour l'application des paragraphes 7 (4) à (7) de la Loi :

1. Le calcul effectué en appliquant des facteurs de rajustement relatifs au coût de la vie dérivés de toute partie de l'indice des prix à la consommation.
2. Le calcul effectué en appliquant soit le plus élevé, soit le moindre des taux suivants :
  - i. le taux de variation du revenu du payeur ou du bénéficiaire,
  - ii. le taux de variation de l'indice des prix à la consommation,
 comme le précise l'ordonnance alimentaire ou l'ordonnance de retenue des aliments.
3. Le calcul effectué en appliquant le taux d'augmentation ou de diminution précisé dans l'ordonnance alimentaire ou l'ordonnance de retenue des aliments.
4. Le calcul effectué conformément aux méthodes précisées dans les dispositions législatives du Québec qui traitent des rajustements relatifs au coût de la vie pour les ordonnances alimentaires.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-05-16

## ONTARIO REGULATION 177/98 made under the ENVIRONMENTAL PROTECTION ACT

Made: April 22, 1998  
Filed: April 27, 1998

### GROUND SOURCE HEAT PUMPS

1. In this Regulation,

"ground source heat pump" means a heating and cooling system for buildings that uses a liquid to exchange heat with the ground or ground water.

2. A ground source heat pump that uses a liquid other than methanol is exempted from section 9 of the Act.

3. (1) No ground source heat pump that uses methanol shall be used unless it was put into operation before June 1, 1998.

(2) No ground source heat pump that uses methanol shall be constructed, altered, extended or replaced.

4. Ontario Regulation 77/92 is revoked.

20/98

## ONTARIO REGULATION 178/98 made under the GAME AND FISH ACT

Made: April 29, 1998  
Filed: April 30, 1998

Amending O. Reg. 300/93  
(Hunting Licences)

Note: Since January 1, 1997, Ontario Regulation 300/93 has been amended by Ontario Regulations 50/97, 302/97, 367/97 and 386/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Item 17 of the Schedule to Ontario Regulation 300/93 is revoked.

20/98

## ONTARIO REGULATION 179/98 made under the ENVIRONMENTAL BILL OF RIGHTS ACT, 1993

Made: April 29, 1998  
Filed: April 30, 1998

Amending O. Reg. 73/94  
(General)

Note: Ontario Regulation 73/94 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Paragraphs 3, 4 and 5 of section 1 of Ontario Regulation 73/94 are revoked and the following substituted:

3. Ministry of Citizenship, Culture and Recreation.
4. Ministry of Economic Development, Trade and Tourism.
5. Ministry of Energy, Science and Technology.
6. Ministry of the Environment.

(2) Paragraph 8 of section 1 of the Regulation is revoked.

(3) Paragraph 11 of section 1 of the Regulation is revoked and the following substituted:

11. Ministry of Municipal Affairs and Housing.

2. Sections 2 to 7 of the Regulation are revoked and the following substituted:

### PROPOSALS FOR POLICIES AND ACTS

2. Section 15 of the *Environmental Bill of Rights, 1993* applies in relation to the following ministries:

1. Ministry of Agriculture, Food and Rural Affairs.
2. Ministry of Consumer and Commercial Relations.
3. Ministry of Citizenship, Culture and Recreation.
4. Ministry of Economic Development, Trade and Tourism.
5. Ministry of Energy, Science and Technology.
6. Ministry of the Environment.
7. Ministry of Health.
8. Ministry of Labour.
9. Management Board Secretariat.
10. Ministry of Municipal Affairs and Housing.
11. Ministry of Natural Resources.

12. Ministry of Northern Development and Mines.

13. Ministry of Transportation.

#### PROPOSALS FOR REGULATIONS

3. The following Acts are prescribed for the purposes of section 16 of the *Environmental Bill of Rights, 1993*:

1. *Aggregate Resources Act*.
2. *Conservation Authorities Act*.
3. *Crown Forest Sustainability Act, 1994*.
4. *Endangered Species Act*.
5. *Energy Efficiency Act*.
6. *Environmental Assessment Act*.
7. *Environmental Bill of Rights, 1993*.
8. *Environmental Protection Act*.
9. *Game and Fish Act*.
10. *Gasoline Handling Act*.
11. *Lakes and Rivers Improvement Act*.
12. *Mining Act*.
13. *Niagara Escarpment Planning and Development Act*.
14. *Oil, Gas and Salt Resources Act*.
15. *Ontario Water Resources Act*.
16. *Pesticides Act*.
17. *Planning Act*.
18. *Provincial Parks Act*.
19. *Public Lands Act*.
20. *Waste Management Act, 1992*.

#### PROPOSALS FOR INSTRUMENTS

4. Sections 19 to 26 of the *Environmental Bill of Rights, 1993* apply in relation to the following ministries:

1. Ministry of Consumer and Commercial Relations.
2. Ministry of the Environment.
3. Ministry of Municipal Affairs and Housing.
4. Ministry of Natural Resources.
5. Ministry of Northern Development and Mines.

#### APPLICATION OF PART IV OF ACT - APPLICATION FOR REVIEW

5. The following ministries are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*:

1. Ministry of Agriculture, Food and Rural Affairs.
2. Ministry of Consumer and Commercial Relations.
3. Ministry of Energy, Science and Technology.
4. Ministry of the Environment.
5. Ministry of Municipal Affairs and Housing.
6. Ministry of Natural Resources.
7. Ministry of Northern Development and Mines.

6. (1) The Acts referred to in section 3 of this Regulation are prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

(2) Despite subsection (1), the *Game and Fish Act* is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

7. (1) A regulation made under an Act that is prescribed by section 6 of this Regulation is prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

(2) For the purposes of subsection (1), a regulation made under an Act includes a regulation made under the Act before the Act was first prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

(3) Despite subsection (1), a provision of a regulation made on or before November 15, 1994 under section 29 or clause 39 (f) of the *Environmental Assessment Act*, as that section or that clause read at the time the regulation was made, is not prescribed for the purposes of Part IV of the *Environmental Bill of Rights, 1993*.

**3. Sections 9 and 10 of the Regulation are revoked and the following substituted:**

#### APPLICATION OF PART V OF ACT—APPLICATION FOR INVESTIGATION

9. The following Acts are prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*:

1. *Aggregate Resources Act*.
2. *Conservation Authorities Act*.
3. *Crown Forest Sustainability Act, 1994*.
4. *Endangered Species Act*.
5. *Energy Efficiency Act*.
6. *Environmental Assessment Act*.
7. *Environmental Protection Act*.
8. *Fisheries Act (Canada)*.
9. *Game and Fish Act*.
10. *Gasoline Handling Act*.
11. *Lakes and Rivers Improvement Act*.

12. *Mining Act*.
13. *Oil, Gas and Salt Resources Act*.
14. *Ontario Water Resources Act*.
15. *Pesticides Act*.
16. *Provincial Parks Act*.
17. *Public Lands Act*.
18. *Waste Management Act, 1992*.

10. (1) A regulation made under an Act referred to in section 9 is prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*.

(2) For the purposes of subsection (1), a regulation made under an Act includes a regulation made under the Act before the Act was first prescribed for the purposes of Part V of the *Environmental Bill of Rights, 1993*.

**4. Subsections 12 (1) and (2) of the Regulation are revoked and the following substituted:**

(1) The Acts referred to in section 3 of this Regulation are prescribed for the purposes of paragraphs 4, 5 and 6 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*.

(2) A regulation or instrument made under an Act referred to in section 3 of this Regulation is prescribed for the purposes of paragraphs 4 and 5 of subsection 105 (3) of the *Environmental Bill of Rights, 1993*.

**5. Section 13 of the Regulation is revoked and the following substituted:**

13. The Minister of the Environment shall operate the registry.

**6. The definition of "field order" in subsection 15.1 (1) of the Regulation is amended by,**

- (a) striking out "the Ministry of Environment and Energy" in clause (a) and substituting "the Ministry of the Environment"; and
- (b) striking out "the Ministry of Environment and Energy" in clause (b) and substituting "the Ministry of the Environment".

**7. Section 16 of the Regulation is revoked and the following substituted:**

16. The following documents shall be deemed to be regulations for the purposes of the *Environmental Bill of Rights, 1993* and the regulations made under it:

1. An order made under subsection 3.1 (3) of the *Environmental Assessment Act*.
2. An order made under section 3.2 of the *Environmental Assessment Act*.
3. An order made before January 1, 1997 under section 29 of the *Environmental Assessment Act*, as that section read at the time the order was made.

**ONTARIO REGULATION 180/98**  
made under the  
**ENVIRONMENTAL BILL OF RIGHTS ACT, 1993**

Made: April 29, 1998

Filed: April 30, 1998

Amending O. Reg. 681/94  
(Classification of Proposals for Instruments)

Note: Ontario Regulation 681/94 has not previously been amended.

**1. Part I of Ontario Regulation 681/94 is revoked and the following substituted:**

**PART I**  
**MINISTRY OF CONSUMER AND COMMERCIAL RELATIONS**

INTERPRETATION

**0.1** In this Part, a proposal for an instrument includes a proposal to issue it, amend it or revoke it, whether the amendment or revocation is authorized by the same provision of an Act or regulation that authorizes the issuance of the instrument or by a different provision.

CLASS I PROPOSALS—GASOLINE HANDLING CODE

**1.** The following is a Class I proposal for an instrument:

1. A proposal, pursuant to clause 19 (3) (c) of the *Ministry of Consumer and Commercial Relations Act* or section 18 of Ontario Regulation 521/93, for a variance from or permission to deviate from the requirements of any of the following provisions of the Gasoline Handling Code referred to in section 17 of that Regulation:
  - i. Subsections 4 (3) and (5).
  - ii. Section 5.
  - iii. Subsections 6 (1) to (34) and (38) to (43).
  - iv. Subsections 7 (1) to (9), (11) to (13), (18) to (28), (32) and (35) to (38).
  - v. Subsections 8 (1) to (16), (18), (19), (21) to (24), (37) to (41), (43), (51) to (53), (55) and (56), clauses 8 (58) (b) to (d) and subsections 8 (59) to (72), (75) to (96) and (99) to (110).
  - vi. Section 9.
  - vii. Subsections 10 (1) to (3), clauses 10 (4) (d) to (f), clauses 10 (5) (d), (e) and (g) and subsections 10 (6) to (9).
  - viii. Section 11.
  - ix. Section 12.
  - x. Subsections 13 (1) to (19), (24) to (30), (32), (33) and (41).

**2. The heading to Part II of the Regulation is struck out and the following substituted:**

**PART II**  
**MINISTRY OF THE ENVIRONMENT**

**3. Part II of the Regulation is amended by adding the following section:**

## INTERPRETATION

1.1 In this Part, a proposal for an instrument includes a proposal to issue it, amend it or revoke it, whether the amendment or revocation is authorized by the same provision of an Act or regulation that authorizes the issuance of the instrument or by a different provision.

4. Subparagraph iii of paragraph 6 of subsection 5 (2) of the Regulation is revoked and the following substituted:

- iii. a proposal for an approval to operate a waste disposal site for household hazardous waste for a period of not more than 12 days per year, and

5. Paragraph 9 of subsection 6 (2) of the Regulation is revoked and the following substituted:

- 9. A proposal for a report under subsection 62 (1) of the *Ontario Water Resources Act*.

6. The Regulation is amended by adding the following Part:

## PART III

## MINISTRY OF NORTHERN DEVELOPMENT AND MINES

## INTERPRETATION

11. In this Part, a proposal for an instrument includes a proposal to issue it, amend it or revoke it, whether the amendment or revocation is authorized by the same provision of an Act or regulation that authorizes the issuance of the instrument or by a different provision.

## CLASS I PROPOSALS—MINING ACT

12. The following are Class I proposals for instruments:

1. A proposal for a consent under section 34 of the *Mining Act*.
2. A proposal to award surface rights under subsection 39 (2) of the *Mining Act*.
3. A proposal to reinstate a licence of occupation under subsection 41 (4) of the *Mining Act*, unless the reinstatement would not have a significant effect on the environment.
4. A proposal to direct that buildings, structures, machinery, chattels, personal property, ore, mineral, slimes or tailings do not belong to the Crown under subsection 53 (1) of the *Mining Act*.
5. A proposal to exchange a lease for replacement leases under subsection 83 (1) of the *Mining Act*, unless the exchange would not have a significant effect on the environment.
6. A proposal to lease surface rights under subsection 84 (1) of the *Mining Act*.
7. A proposal to direct the inclusion of reservations or provisions under subsection 86 (3) of the *Mining Act*, unless the inclusion would not have a significant effect on the environment.
8. A proposal to grant permission to cut and use trees under subsection 92 (5) of the *Mining Act*.

9. A proposal to require changes to a proposed closure plan under clause 141 (3) (a) of the *Mining Act*.
10. A proposal to accept a closure plan under clause 141 (3) (b) of the *Mining Act*.
11. A proposal to accept a closure plan under clause 142 (1) (d) of the *Mining Act*.
12. A proposal to require changes to a proposed closure plan under subsection 142 (2) of the *Mining Act*.
13. A proposal to require the submission of a proposed closure plan or amendments to a closure plan under subsection 144 (4) of the *Mining Act*.
14. A proposal to require changes to proposed amendments or a proposed closure plan under subsection 144 (6) of the *Mining Act*.
15. A proposal for an order under subsection 145 (2) of the *Mining Act*.
16. A proposal to require changes to a closure plan under subsection 147 (7) of the *Mining Act*.
17. A proposal for an order under subsection 148 (2) of the *Mining Act*.
18. A proposal to declare a project abandoned under subsection 148 (3) of the *Mining Act*.
19. A proposal to require the submission of a proposed closure plan under subsection 149 (1) of the *Mining Act*.
20. A proposal to require changes to a closure plan under subsection 149 (2) of the *Mining Act*.
21. A proposal to declare a project abandoned under subsection 149 (4) of the *Mining Act*.
22. A proposal to confirm, alter or revoke a decision under subsection 152 (8) of the *Mining Act*.
23. A proposal for an approval under subsection 165 (1) of the *Mining Act*.
24. A proposal for an order under subsection 175 (1) of the *Mining Act*.
25. A proposal for a subsequent order or award under subsection 175 (13) of the *Mining Act*.
26. A proposal to issue an unpatented mining claim, licence of occupation, lease or patent under subsection 176 (3) of the *Mining Act*, unless the issuance would not have a significant effect on the environment.
27. A proposal for a consent under section 177 of the *Mining Act*.
28. A proposal to accept the surrender of mining lands under subsection 183 (1) of the *Mining Act*, unless the acceptance would not have a significant effect on the environment.



**ONTARIO REGULATION 181/98****made under the  
EDUCATION ACT**

Made: April 2, 1998  
Approved: April 8, 1998  
Filed: April 30, 1998

**IDENTIFICATION AND PLACEMENT OF  
EXCEPTIONAL PUPILS****PART I  
GENERAL**

1. (1) In this Regulation,

“committee” means a special education identification, placement and review committee established under Part II and includes a committee established under Regulation 305 of the Revised Regulations of Ontario, 1990; (“comité”)

“designated representative” means,

- (a) in relation to a board that has a director of education, the director of education of the board, and
- (b) in relation to a board that does not have a director of education, the secretary or equivalent of the board; (“représentant désigné”)

“parent” includes a guardian; (“père ou mère”)

“special education appeal board” means a special education appeal board established under Part VI. (“commission d’appel en matière d’éducation de l’enfance en difficulté”)

(2) In this Regulation, a reference to the category and definition of an exceptionality is a reference to the category and definition of the exceptionality as established under subsection 8 (3) of the Act.

2. Where the time limited by this Regulation for doing anything expires or falls on a school holiday within the meaning of Regulation 304 of the Revised Regulations of Ontario, 1990, the time so limited extends to and the thing may be done on the next day following that is not a school holiday.

3. (1) Subject to subsection (2), mail shall be deemed to have been received by the person to whom it was sent on the fifth day after the day on which it was mailed.

(2) If the fifth day is a school holiday within the meaning of Regulation 304 of the Revised Regulations of Ontario, 1990, the mail shall be deemed to have been received by the person to whom it was sent on the first day after the fifth day that is not a school holiday.

4. A person or body required by this Regulation to communicate in writing to a parent or pupil shall, at the request of the parent or pupil, use a braille, large print or audio-cassette format for the communication.

5. (1) A parent of a pupil and, where the pupil is 16 years of age or older, the pupil, are entitled,

- (a) to be present at and participate in all committee discussions about the pupil; and
- (b) to be present when the committee’s identification and placement decisions are made.

(2) A parent of a pupil and, where the pupil is 16 years of age or older, the pupil, are entitled to be present at and participate in all discussions about the pupil at the meeting held by the special education appeal board under section 28.

**RÈGLEMENT DE L'ONTARIO 181/98****pris en application de la  
LOI SUR L'ÉDUCATION**

pris le 2 avril 1998  
approuvé le 8 avril 1998  
déposé le 30 avril 1998

**IDENTIFICATION ET PLACEMENT DES ÉLÈVES  
EN DIFFICULTÉ****PARTIE I  
DISPOSITIONS GÉNÉRALES**

1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«comité» Comité d'identification, de placement et de réexamen en éducation de l'enfance en difficulté créé aux termes de la partie II et, en outre, comité créé aux termes du Règlement 305 des Règlements refondus de l'Ontario de 1990. («committee»)

«commission d'appel en matière d'éducation de l'enfance en difficulté» Commission d'appel en matière d'éducation de l'enfance en difficulté créée aux termes de la partie VI. («special education appeal board»)

«père ou mère» S'entend en outre du tuteur. Le terme «parents» a un sens correspondant. («parent»)

«représentant désigné» S'entend de l'une ou l'autre des personnes suivantes :

- a) le directeur de l'éducation du conseil;
- b) en l'absence de directeur de l'éducation, le secrétaire du conseil ou la personne exerçant des fonctions équivalentes au sein de celui-ci. («designated representative»)

(2) Dans le présent règlement, toute mention de la catégorie et de la définition d'une anomalie est la mention de la catégorie et de la définition de l'anomalie telles qu'elles sont établies aux termes du paragraphe 8 (3) de la Loi.

2. Le délai que fixe le présent règlement pour l'accomplissement d'un acte et qui expire pendant un congé scolaire au sens du Règlement 304 des Règlements refondus de l'Ontario de 1990 est prorogé jusqu'au jour suivant qui n'est pas un congé scolaire de sorte que l'acte puisse être accompli ce jour-là.

3. (1) Sous réserve du paragraphe (2), tout courrier est réputé avoir été reçu par son destinataire le cinquième jour qui suit le jour de sa mise à la poste.

(2) Si le cinquième jour est un congé scolaire au sens du Règlement 304 des Règlements refondus de l'Ontario de 1990, le courrier est réputé avoir été reçu par son destinataire le jour suivant qui n'est pas un congé scolaire.

4. La personne ou l'organe que le présent règlement oblige à communiquer par écrit avec le père ou la mère d'un élève ou avec celui-ci utilise à cette fin, sur demande de l'intéressé, le braille, un format d'impression en gros caractères ou une audio-cassette.

5. (1) Le père ou la mère d'un élève de même que celui-ci, s'il est âgé d'au moins 16 ans, ont le droit :

- a) d'une part, d'assister et de participer aux discussions d'un comité au sujet de l'élève;
- b) d'autre part, d'être présents lorsque le comité prend ses décisions en matière d'identification et de placement.

(2) Le père ou la mère d'un élève de même que celui-ci, s'il est âgé d'au moins 16 ans, ont le droit d'assister et de participer aux discussions qui ont lieu au sujet de l'élève à la réunion que tient la commission d'appel en matière d'éducation de l'enfance en difficulté aux termes de l'article 28.

(3) A person who has a right under subsection (1) or (2) to participate in a discussion also has the right to have a representative present at the discussion, to speak on behalf of the person or otherwise support the person.

(4) A person who has a right under clause (1) (b) to be present also has the right to have a representative present to support the person.

(5) At least 10 days in advance of a meeting of a committee or special education appeal board, the chair of the committee or board shall give written notice of the time and place of the meeting to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.

6. (1) Subsection (2) applies when,

- (a) a board implements a placement decision under section 20;
- (b) a board implements a placement decision under section 31 following an appeal to a special education appeal board in respect of a committee decision under Part IV; or
- (c) a board implements a placement decision following an appeal to the Special Education Tribunal in respect of a committee decision under Part IV.

(2) The board shall promptly notify the principal of the school at which the special education program is to be provided of the need to develop an individual education plan for the pupil in consultation with the parent and, where the pupil is 16 years of age or older, the pupil.

(3) The individual education plan must include,

- (a) specific educational expectations for the pupil;
- (b) an outline of the special education program and services to be received by the pupil; and
- (c) a statement of the methods by which the pupil's progress will be reviewed.

(4) Where the pupil is 14 years of age or older, the individual education plan must also include a plan for transition to appropriate post-secondary school activities, such as work, further education and community living.

(5) Subsection (4) does not apply in respect of a pupil identified as exceptional solely on the basis of giftedness.

(6) In developing the individual education plan, the principal shall,

- (a) consult with the parent and, where the pupil is 16 years of age or older, the pupil; and
- (b) take into consideration any recommendations made by the committee or the Special Education Tribunal, as the case may be, regarding special education programs or special education services.

(7) In developing a transition plan under subsection (4), the principal shall consult with such community agencies and post-secondary educational institutions as he or she considers appropriate.

(8) Within 30 days after placement of the pupil in the program, the principal shall ensure that the plan is completed and a copy of it sent to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.

7. (1) Subsection (2) applies when,

(3) La personne qui a le droit, en vertu du paragraphe (1) ou (2), de participer à une discussion a également droit à la présence d'un représentant qui lui sert de porte-parole ou qui l'appuie d'une autre façon.

(4) La personne qui a le droit, en vertu de l'alinéa (1) b), d'être présente a également droit à la présence d'un représentant pour l'appuyer.

(5) Au moins 10 jours avant la réunion d'un comité ou d'une commission d'appel en matière d'éducation de l'enfance en difficulté, le président du comité ou de la commission donne un avis écrit des date, heure et lieu de la réunion au père ou à la mère de l'élève de même qu'à celui-ci, s'il est âgé d'au moins 16 ans.

6. (1) Le paragraphe (2) s'applique dans les cas suivants :

- a) le conseil met en application une décision en matière de placement aux termes de l'article 20;
- b) le conseil met en application une décision en matière de placement aux termes de l'article 31 à la suite d'un appel interjeté devant une commission d'appel en matière d'éducation de l'enfance en difficulté à l'égard d'une décision prise par un comité aux termes de la partie IV;
- c) le conseil met en application une décision en matière de placement à la suite d'un appel interjeté devant un tribunal de l'enfance en difficulté à l'égard d'une décision prise par un comité aux termes de la partie IV.

(2) Le conseil avise promptement le directeur de l'école à laquelle le programme d'enseignement à l'enfance en difficulté doit être offert de la nécessité d'élaborer un plan d'enseignement particulier pour l'élève en consultation avec le père ou la mère de même que l'élève, s'il est âgé d'au moins 16 ans.

(3) Le plan d'enseignement particulier comprend les éléments suivants :

- a) les objectifs précis fixés pour l'élève en matière d'éducation;
- b) les grandes lignes du programme d'enseignement et des services à l'enfance en difficulté dont bénéficiera l'élève;
- c) un exposé des méthodes qui serviront à évaluer les progrès de l'élève.

(4) Si l'élève est âgé d'au moins 14 ans, le plan d'enseignement particulier comprend également un plan de transition en vue de son orientation vers des activités appropriées après le secondaire, comme un emploi, des études ultérieures et l'insertion dans la collectivité.

(5) Le paragraphe (4) ne s'applique pas à l'égard de l'élève qui est identifié comme étant en difficulté uniquement parce qu'il est surdoué.

(6) Lorsqu'il élabore le plan d'enseignement particulier, le directeur d'école fait ce qui suit :

- a) il consulte le père ou la mère de même que l'élève, s'il est âgé d'au moins 16 ans;
- b) il tient compte des recommandations que fait le comité ou le tribunal de l'enfance en difficulté, selon le cas, en matière de programmes d'enseignement ou de services à l'enfance en difficulté.

(7) Lorsqu'il élabore un plan de transition aux termes du paragraphe (4), le directeur d'école consulte les organismes communautaires et les établissements d'enseignement postsecondaires qu'il estime appropriés.

(8) Dans les 30 jours qui suivent le placement de l'élève dans le programme, le directeur d'école veille à ce que le plan soit mis au point et à ce qu'une copie en soit envoyée au père ou à la mère de l'élève de même qu'à celui-ci, s'il est âgé d'au moins 16 ans.

7. (1) Le paragraphe (2) s'applique dans les cas suivants :

- (a) a board implements a change in placement under section 25;
  - (b) a board implements a change in placement under section 31 following an appeal to a special education appeal board in respect of a committee decision under Part V;
  - (c) a board implements a change in placement in accordance with a decision of the Special Education Tribunal following an appeal to the Special Education Tribunal in respect of a committee decision under Part V;
  - (d) an existing placement is confirmed in a statement of decision under Part V and a parent of the pupil consents in writing to the decision or the time period provided in section 31 for filing a notice of appeal from the decision expires without a notice of appeal being filed;
  - (e) an existing placement is confirmed in a decision under subsection 30 (1) and a parent consents in writing to the decision or the time period provided in section 31 expires without an appeal being commenced;
  - (f) an existing placement is confirmed in a decision under subsection 30 (1), an appeal from the decision is made under section 57 of the Act to the Special Education Tribunal and the appeal is dismissed or abandoned; or
  - (g) an existing placement is confirmed in an order of the Special Education Tribunal granting an appeal under section 57 of the Act.
- (2) The board shall promptly notify the principal of the school at which the special education program is to be provided of the need to review the pupil's individual education plan to determine whether it needs to be updated.
- (3) In reviewing the plan, the principal shall,
- (a) consult with the parent and, where the pupil is 16 years of age or older, the pupil; and
  - (b) take into consideration any recommendations of the committee or the Special Education Tribunal, as the case may be, regarding special education programs or special education services.
- (4) Where an individual education plan does not include a plan for transition to appropriate post-secondary school activities and the pupil has attained the age of 14 or will attain the age of 14 within the school year, the principal shall ensure that a transition plan is developed and included in the individual education plan.
- (5) Subsection (4) does not apply in respect of a pupil identified as exceptional solely on the basis of giftedness.
- (6) In reviewing an individual education plan that includes a transition plan or in developing a transition plan under subsection (4), the principal shall consult with such community agencies and post-secondary educational institutions as he or she considers appropriate.
- (7) Within 30 days of an implementation of a change in placement or, where the placement is confirmed, within 30 days of receiving the notice under subsection (1), the principal shall ensure that,
- (a) the plan has been reviewed and updated as appropriate;
  - (b) a transition plan has been added to the individual education plan where required by subsection (4); and
  - (c) a copy of the individual education plan has been sent to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.
- a) le conseil modifie un placement aux termes de l'article 25;
  - b) le conseil modifie un placement aux termes de l'article 31 à la suite d'un appel interjeté devant une commission d'appel en matière d'éducation de l'enfance en difficulté à l'égard d'une décision prise par un comité en vertu de la partie V;
  - c) le conseil modifie un placement conformément à une décision prise par un tribunal de l'enfance en difficulté à la suite d'un appel interjeté devant celui-ci à l'égard d'une décision prise par un comité en vertu de la partie V;
  - d) un placement existant est confirmé dans un énoncé de décision aux termes de la partie V et le père ou la mère de l'élève consent par écrit à la décision ou le délai prévu à l'article 31 pour déposer un avis d'appel de la décision expire sans qu'un tel avis ait été déposé;
  - e) un placement existant est confirmé dans une décision prise aux termes du paragraphe 30 (1) et le père ou la mère de l'élève consent par écrit à la décision ou le délai prévu à l'article 31 expire sans qu'un appel ait été interjeté;
  - f) un placement existant est confirmé dans une décision prise aux termes du paragraphe 30 (1), il est interjeté appel de la décision devant un tribunal de l'enfance en difficulté en vertu de l'article 57 de la Loi et l'appel est rejeté ou abandonné;
  - g) un placement existant est confirmé dans l'ordonnance d'un tribunal de l'enfance en difficulté accueillant un appel en vertu de l'article 57 de la Loi.
- (2) Le conseil avise promptement le directeur de l'école à laquelle le programme d'enseignement à l'enfance en difficulté doit être offert de la nécessité de revoir le plan d'enseignement particulier de l'élève pour déterminer s'il a besoin d'être mis à jour.
- (3) Lorsqu'il revoit le plan, le directeur d'école fait ce qui suit :
- a) il consulte le père ou la mère de même que l'élève, s'il est âgé d'au moins 16 ans;
  - b) il tient compte des recommandations que fait le comité ou le tribunal de l'enfance en difficulté, selon le cas, en matière de programmes d'enseignement ou de services à l'enfance en difficulté.
- (4) Lorsque le plan d'enseignement particulier ne comprend pas de plan de transition en vue de l'orientation de l'élève vers des activités appropriées après le secondaire et que celui-ci a atteint l'âge de 14 ans ou atteindra cet âge dans le courant de l'année scolaire, le directeur d'école veille à ce qu'un plan de transition soit élaboré et joint au plan d'enseignement particulier.
- (5) Le paragraphe (4) ne s'applique pas à l'égard de l'élève qui est identifié comme étant en difficulté uniquement parce qu'il est surdoué.
- (6) Lorsqu'il revoit un plan d'enseignement particulier qui comprend un plan de transition ou qu'il élabore un plan de transition aux termes du paragraphe (4), le directeur d'école consulte les organismes communautaires et les établissements d'enseignement postsecondaires qu'il estime appropriés.
- (7) Dans les 30 jours de la modification d'un placement ou, si le placement est confirmé, dans les 30 jours de la réception de l'avis prévu au paragraphe (1), le directeur d'école s'assure de ce qui suit :
- a) le plan a été revu et mis à jour comme il convient;
  - b) un plan de transition a été ajouté au plan d'enseignement particulier lorsque le paragraphe (4) l'exige;
  - c) une copie du plan d'enseignement particulier a été envoyée au père ou à la mère de l'élève de même qu'à celui-ci, s'il est âgé d'au moins 16 ans.

8. The principal shall ensure that the individual education plan for a pupil is included in the record kept in respect of the pupil under clause 265 (d) of the Act, unless a parent of the pupil has objected in writing.

9. (1) In accordance with requirements under the *Education Act*, no pupil is to be denied an education program pending a meeting or decision under this Regulation.

(2) Where an education program is provided to a pupil pending a meeting or decision under this Regulation,

- (a) the program must be appropriate to the pupil's apparent strengths and needs;
- (b) the placement for the program must be consistent with the principles underlying section 17; and
- (c) appropriate education services must be provided to meet the pupil's apparent needs.

## PART II ESTABLISHMENT OF COMMITTEES AND COMMITTEE PROCEDURES

10. Each board shall, in accordance with section 11, establish one or more committees for the identification and placement of exceptional pupils, determine the jurisdiction of each committee and establish the manner of selecting the chair of each committee.

11. (1) A board shall appoint three or more persons to each committee that it establishes.

(2) The board shall appoint, as one of the members of each committee,

- (a) a principal employed by the board;
- (b) a supervisory officer employed by the board under Part XI of the Act; or
- (c) a supervisory officer whose services are used by the board under Part XI of the Act.

(3) A principal or supervisory officer appointed under subsection (2) may designate a person to act in his or her place as a member of the committee without the approval of the board.

(4) Only a person who is eligible to be appointed to the committee under subsection (2) may be designated to act on the committee under subsection (3).

(5) No member of the board may be appointed to a committee under subsection (2) or designated to act on the committee under subsection (3).

12. (1) A board may establish procedures for committees in addition to those set out in this Regulation.

(2) Committee decisions made under this Regulation must be consistent with the board's special education plan.

## PART III PARENTS' GUIDE

13. (1) Each board shall prepare a guide for the use and information of parents and pupils that,

- (a) explains the function of a committee on a referral under Part IV and on a review under Part V;
- (b) outlines the procedures set out in this Regulation or established under section 12 that a committee must follow in identifying a

8. Le directeur d'école veille à ce que le plan d'enseignement particulier de l'élève soit versé au dossier de l'élève constitué aux termes de l'alinéa 265 d) de la Loi, à moins que le père ou la mère de l'élève ne s'y oppose par écrit.

9. (1) Conformément aux exigences prévues par la *Loi sur l'éducation*, aucun élève ne doit se voir refuser l'accès à un programme d'enseignement en attendant la tenue d'une réunion ou le prononcé d'une décision aux termes du présent règlement.

(2) Lorsqu'un programme d'enseignement est offert à un élève en attendant la tenue d'une réunion ou le prononcé d'une décision aux termes du présent règlement, les exigences suivantes doivent être respectées :

- a) le programme doit être adapté aux points forts et besoins manifestes de l'élève;
- b) le placement dans le programme doit être compatible avec les principes sous-jacents à l'article 17;
- c) des services éducatifs appropriés doivent être offerts pour répondre aux besoins manifestes de l'élève.

## PARTIE II CRÉATION DE COMITÉS ET ÉTABLISSEMENT DE LEURS MARCHES À SUIVRE

10. Chaque conseil, conformément à l'article 11, crée un ou plusieurs comités d'identification et de placement des élèves en difficulté, détermine la compétence de chacun d'eux et établit la façon d'en choisir le président.

11. (1) Le conseil nomme trois personnes ou plus à chaque comité qu'il crée.

(2) Le conseil nomme l'une ou l'autre des personnes suivantes membre du comité :

- a) un directeur d'école employé par le conseil;
- b) un agent de supervision employé par le conseil aux termes de la partie XI de la Loi;
- c) un agent de supervision dont le conseil utilise les services en vertu de la partie XI de la Loi.

(3) Le directeur d'école ou l'agent de supervision nommé aux termes du paragraphe (2) peut, sans l'approbation du conseil, désigner une personne pour le remplacer à titre de membre du comité.

(4) Seule une personne qui remplit les conditions requises pour être nommée au comité aux termes du paragraphe (2) peut être désignée pour agir au sein de celui-ci en vertu du paragraphe (3).

(5) Aucun membre du conseil ne peut être nommé à un comité aux termes du paragraphe (2) ou désignée pour agir au sein du comité en vertu du paragraphe (3).

12. (1) Le conseil peut établir des marches à suivre à l'intention des comités, en plus de celles qui sont énoncées dans le présent règlement.

(2) Les décisions que prend un comité aux termes du présent règlement doivent être compatibles avec le projet d'enseignement à l'enfance en difficulté qu'offre le conseil.

## PARTIE III GUIDE DES PARENTS

13. (1) Chaque conseil prépare un guide d'information à l'usage des parents et des élèves. Ce guide :

- a) explique le rôle d'un comité dans le cas de l'aiguillage prévu à la partie IV et du réexamen prévu à la partie V;
- b) énumère les marches à suivre énoncées dans le présent règlement ou établies en vertu de l'article 12 qu'un comité doit observer

pupil as exceptional and in deciding the pupil's placement;

(c) explains the committee's duty to describe pupils' strengths and needs and to include, in its statements of decision, the categories and definitions of any exceptionalities it identifies;

(d) explains the function of a special education appeal board under Part VI and the right of parents to appeal committee decisions to it;

(e) lists the parent organizations that are, to the best of the board's knowledge, local associations of the board, within the meaning of Ontario Regulation 464/97;

(f) includes the names, addresses and telephone numbers of the provincial and demonstration schools in Ontario;

(g) indicates the extent to which the board provides special education programs and special education services and the extent to which it purchases those programs and services from another board;

(h) explains that no committee placement decision can be implemented unless,

(i) a parent has consented to the decision, or

(ii) the time limit for filing a notice of appeal in respect of the decision has expired and no such notice has been filed.

(2) The board shall ensure that copies of the guide are available at each school in the board's jurisdiction and at the board's head office and shall provide a copy to the appropriate district office of the Ministry.

(3) The board shall, at the request of a parent or pupil, provide the parent or pupil with a guide in a braille, large print or audio-cassette format.

#### **PART IV REFERRAL OF PUPILS TO COMMITTEES**

14. (1) The principal of the school at which a pupil is enrolled,

(a) may on written notice to a parent of the pupil; and

(b) shall at the written request of a parent of the pupil,

refer the pupil to a committee established by the board, for a decision as to whether the pupil should be identified as an exceptional pupil and, if so, what the placement of the pupil should be.

(2) Where a decision is made that a pupil is to leave a demonstration school and enter a school of a board, the superintendent of the demonstration school shall so notify the designated representative of the board.

(3) On receiving the notice under subsection (2), the designated representative of the board shall ensure that the pupil is referred to a committee established by the board, for a decision as to what the placement of the pupil should be.

(4) The superintendent of the demonstration school acting under subsection (2) and the designated representative of the board acting under subsection (3) shall use their best efforts to ensure that the committee meets as soon as possible after the decision is made to move the pupil from the demonstration school to the school of the board.

(5) Where more than one committee has been established by the board, the referral under subsection (1) or (3) shall be to the committee

pour identifier un élève comme étant en difficulté et décider de son placement;

c) explique l'obligation qu'a le comité de décrire les points forts et les besoins des élèves et de mentionner, dans ses énoncés de décision, les catégories et les définitions de toute anomalie qu'il décelé;

d) explique le rôle d'une commission d'appel en matière d'éducation de l'enfance en difficulté créée aux termes de la partie VI et le droit des parents d'interjeter appel des décisions du comité devant elle;

e) donne la liste des groupes de parents qui, à la connaissance du conseil, sont des associations locales du conseil au sens du Règlement de l'Ontario 464/97;

f) donne les noms, adresses et numéros de téléphone des écoles provinciales et des écoles d'application de l'Ontario;

g) indique dans quelle mesure le conseil offre des programmes d'enseignement et des services à l'enfance en difficulté et dans quelle mesure il achète ces programmes et services à un autre conseil;

h) explique qu'aucune décision en matière de placement prise par un comité ne peut être mise en application à moins que, selon le cas :

(i) le père ou la mère n'ait consenti à la décision,

(ii) le délai pour déposer un avis d'appel de la décision n'ait expiré sans qu'un tel avis ait été déposé.

(2) Le conseil veille à ce que des exemplaires du guide soient disponibles dans chacune des écoles qui se trouvent dans son territoire de compétence ainsi qu'à son siège. Il en remet également un exemplaire au bureau régional compétent du ministère.

(3) Le conseil fournit sur demande au père ou à la mère de l'élève ou à celui-ci un guide publié en braille ou en gros caractères ou sous forme d'audio-cassette.

#### **PARTIE IV AIGUILLAGE DES ÉLÈVES VERS LES COMITÉS**

14. (1) Le directeur de l'école à laquelle un élève est inscrit :

a) d'une part, peut, sur avis écrit adressé au père ou à la mère de l'élève;

b) d'autre part, doit, sur demande écrite du père ou de la mère de l'élève,

aiguiller l'élève vers un comité créé par le conseil pour qu'il établisse si l'élève devrait être identifié comme étant un élève en difficulté et, si tel est le cas, quel devrait être le placement de l'élève.

(2) S'il est établi que l'élève doit quitter une école d'application et fréquenter une école du conseil, le surintendant de l'école d'application en avise le représentant désigné du conseil.

(3) Sur réception de l'avis prévu au paragraphe (2), le représentant désigné du conseil veille à ce que l'élève soit aiguillé vers un comité créé par le conseil pour qu'il établisse quel devrait être le placement de l'élève.

(4) Le surintendant de l'école d'application qui agit aux termes du paragraphe (2) et le représentant désigné du conseil qui agit aux termes du paragraphe (3) font de leur mieux pour veiller à ce que le comité se réunisse dès que possible après qu'il est décidé de transférer l'élève de l'école d'application à l'école du conseil.

(5) Si le conseil a créé plus d'un comité, l'aiguillage prévu au paragraphe (1) ou (3) se fait vers le comité que le directeur d'école ou le re-

that the principal or the designated representative, as the case may be, considers to be the most appropriate for the pupil, having regard to the jurisdiction of the committees.

(6) Within 15 days of giving a notice under clause (1) (a) or receiving a request under clause (1) (b), the principal shall provide the parent with,

- (a) a copy of the guide prepared under section 13;
  - (b) a written statement of approximately when the principal expects that a committee will meet for the first time to discuss the pupil; and
  - (c) in the case of a request under clause (1) (b), a written acknowledgement of the request.
- (7) Within 15 days of receiving a notification under subsection (2), the designated representative shall provide the parent with,
- (a) a copy of the notification under subsection (2);
  - (b) a copy of the guide prepared under section 13; and
  - (c) a written statement of approximately when the designated representative expects that a committee will meet for the first time to discuss the pupil.

15. (1) A committee that has received a referral under section 14 shall obtain and consider an educational assessment of the pupil.

(2) Subject to the *Health Care Consent Act, 1996*, the committee shall also obtain and consider a health assessment of the pupil by a qualified medical practitioner if the committee determines that the assessment is required to enable it to make a correct identification or placement decision.

(3) Subject to the *Health Care Consent Act, 1996*, the committee shall also obtain and consider a psychological assessment of the pupil if the committee determines that the assessment is required to enable it to make a correct identification or placement decision.

(4) Where the committee determines that it would be useful to do so and the pupil is less than 16 years of age, the committee shall, with the consent of a parent, interview the pupil.

(5) A parent of the pupil has a right to be present at the interview.

(6) The committee shall also consider any information about the pupil submitted to it by a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.

(7) In addition to complying with this section, the committee shall consider any information submitted to it that it considers relevant.

(8) As soon as possible after the chair of the committee obtains any information relating to the pupil, the chair shall provide the information to,

- (a) a parent of the pupil; and
- (b) the pupil, where the pupil is 16 years of age or older.

(9) Subsection (8) does not apply to oral information submitted at a meeting that the committee holds in respect of the pupil in accordance with this Regulation.

16. (1) The committee may discuss any proposal for special education services or special education programs and shall do so at the request of a parent or a pupil who is 16 years of age or older.

(2) The committee may make recommendations regarding special education programs and special education services.

présentant désigné, selon le cas, estime le plus approprié pour l'élève, eu égard à la compétence des comités.

(6) Dans les 15 jours de la remise de l'avis prévu à l'alinéa (1) a) ou de la réception de la demande prévue à l'alinéa (1) b), le directeur d'école fournit au père ou à la mère :

- a) un exemplaire du guide préparé aux termes de l'article 13;
- b) un énoncé écrit du moment approximatif où le directeur d'école prévoit qu'un comité se réunira pour la première fois pour discuter de l'élève;
- c) dans le cas d'une demande prévue à l'alinéa (1) b), un accusé de réception écrit de la demande.

(7) Dans les 15 jours de la réception de l'avis prévu au paragraphe (2), le représentant désigné fournit au père ou à la mère :

- a) une copie de l'avis prévu au paragraphe (2);
- b) un exemplaire du guide préparé aux termes de l'article 13;
- c) un énoncé écrit du moment approximatif où le représentant désigné prévoit qu'un comité se réunira pour la première fois pour discuter de l'élève.

15. (1) Le comité vers lequel un élève a été aiguillé aux termes de l'article 14 obtient une évaluation scolaire de l'élève et l'étudie.

(2) Sous réserve de la *Loi de 1996 sur le consentement aux soins de santé*, le comité obtient également un examen médical de l'élève pratiqué par un médecin qualifié et en tient compte, s'il établit que cet examen est nécessaire pour lui permettre de prendre une décision bien fondée en matière d'identification ou de placement.

(3) Sous réserve de la *Loi de 1996 sur le consentement aux soins de santé*, le comité obtient également un examen psychologique de l'élève et en tient compte, s'il établit que cet examen est nécessaire pour lui permettre de prendre une décision bien fondée en matière d'identification ou de placement.

(4) S'il établit qu'il serait utile de le faire et que l'élève a moins de 16 ans, le comité convoque celui-ci à une entrevue, avec le consentement du père ou de la mère.

(5) Le père et la mère de l'élève ont le droit d'assister à l'entrevue.

(6) Le comité tient également compte des renseignements sur l'élève que lui soumet le père ou la mère de l'élève de même que celui-ci, s'il est âgé d'au moins 16 ans.

(7) Outre qu'il doit se conformer au présent article, le comité tient compte de tout renseignement qui lui est soumis et qu'il estime pertinent.

(8) Dès que possible après qu'il a obtenu un renseignement sur l'élève, le président du comité le communique aux personnes suivantes :

- a) le père ou la mère de l'élève;
- b) l'élève, s'il est âgé d'au moins 16 ans.

(9) Le paragraphe (8) ne s'applique pas aux renseignements qui sont soumis verbalement au comité lors d'une réunion qu'il tient au sujet de l'élève conformément au présent règlement.

16. (1) Le comité peut discuter de toute proposition de programmes d'enseignement ou de services à l'enfance en difficulté et doit le faire si le père ou la mère ou l'élève âgé d'au moins 16 ans lui en fait la demande.

(2) Le comité peut faire des recommandations au sujet des programmes d'enseignement et des services à l'enfance en difficulté.



(3) The committee may recommend that an exceptional pupil who is 21 years of age or older remain in a secondary day school program.

(4) Despite subsections (1) to (3), the committee shall not make decisions about special education services or special education programs.

(5) Despite subsection (4), a recommendation of a committee under subsection (3) is effective for the purposes of subsection 49.2 (7) of the Act.

(6) A recommendation under this section is not a decision for the purposes of subsection 26 (1).

17. (1) When making a placement decision on a referral under section 14, the committee shall, before considering the option of placement in a special education class, consider whether placement in a regular class, with appropriate special education services,

- (a) would meet the pupil's needs; and
- (b) is consistent with parental preferences.

(2) If, after considering all of the information obtained by it or submitted to it under section 15 that it considers relevant, the committee is satisfied that placement in a regular class would meet the pupil's needs and is consistent with parental preferences, the committee shall decide in favour of placement in a regular class.

18. (1) As soon as possible after making its decisions on a referral under section 14, the chair of the committee shall send a written statement of decision to,

- (a) a parent of the pupil;
- (b) the pupil, where the pupil is 16 years of age or older;
- (c) the principal who made the referral, where the referral was made by a principal; and
- (d) the designated representative of the board that established the committee.

(2) In the case of a referral by a principal under subsection 14 (1), the statement of decision shall,

- (a) state whether the committee has identified the pupil as an exceptional pupil;
- (b) where the committee has identified the pupil as an exceptional pupil, include,
  - (i) the committee's description of the pupil's strengths and needs,
  - (ii) the categories and definitions of any exceptionalities identified by the committee,
  - (iii) the committee's placement decision, and
  - (iv) the committee's recommendation under subsection 16 (2), if any; and
- (c) where the committee has decided that the pupil should be placed in a special education class, state the reasons for that decision.

(3) In the case of a referral by a designated representative under subsection 14 (3), the statement of decision shall,

- (a) include,
  - (i) the committee's description of the pupil's strengths and needs,

(3) Le comité peut recommander qu'un élève en difficulté qui est âgé d'au moins 21 ans demeure dans un programme scolaire secondaire de jour.

(4) Malgré les paragraphes (1) à (3), le comité ne doit pas prendre de décision en ce qui concerne les programmes d'enseignement ou les services à l'enfance en difficulté.

(5) Malgré le paragraphe (4), la recommandation que fait le comité en vertu du paragraphe (3) est valable pour l'application du paragraphe 49.2 (7) de la Loi.

(6) Les recommandations faites en vertu du présent article ne constituent pas des décisions pour l'application du paragraphe 26 (1).

17. (1) Lorsqu'il prend une décision en matière de placement à la suite de l'aiguillage effectué aux termes de l'article 14, le comité, avant d'envisager la possibilité d'un placement dans une classe pour l'enfance en difficulté, examine si le placement dans une classe ordinaire, conjugué aux services à l'enfance en difficulté appropriés :

- a) d'une part, répondrait aux besoins de l'élève;
- b) d'autre part, respecte les préférences parentales.

(2) Si, après avoir tenu compte de tous les renseignements qu'il a obtenus ou qui lui ont été soumis aux termes de l'article 15 et qu'il estime pertinents, il est convaincu que le placement dans une classe ordinaire répondrait aux besoins de l'élève et respecte les préférences parentales, le comité se prononce en faveur du placement dans une telle classe.

18. (1) Dès que possible après qu'il a pris ses décisions à la suite de l'aiguillage effectué aux termes de l'article 14, le président du comité envoie un énoncé écrit de décision aux personnes suivantes :

- a) le père ou la mère de l'élève;
- b) l'élève, s'il est âgé d'au moins 16 ans;
- c) le directeur d'école qui a effectué l'aiguillage, le cas échéant;
- d) le représentant désigné du conseil qui a créé le comité.

(2) Dans le cas de l'aiguillage effectué par le directeur d'école aux termes du paragraphe 14 (1), l'énoncé de décision fait ce qui suit :

- a) il indique si le comité a identifié l'élève comme étant un élève en difficulté;
- b) dans le cas où le comité a identifié l'élève comme étant un élève en difficulté, il comprend les éléments suivants :
  - (i) la description que fait le comité des points forts et des besoins de l'élève,
  - (ii) les catégories et les définitions de toute anomalie décelée par le comité,
  - (iii) la décision en matière de placement prise par le comité,
  - (iv) la recommandation que fait le comité en vertu du paragraphe 16 (2), le cas échéant;
- c) dans le cas où le comité a décidé que l'élève devrait être placé dans une classe pour l'enfance en difficulté, il fait état des motifs de cette décision.

(3) Dans le cas de l'aiguillage effectué par un représentant désigné aux termes du paragraphe 14 (3), l'énoncé de décision fait ce qui suit :

- a) il comprend les éléments suivants :
  - (i) la description que fait le comité des points forts et des besoins de l'élève,

- (ii) the categories and definitions of any exceptionalities identified by the committee,
  - (iii) the committee's placement decision, and
  - (iv) the committee's recommendation under subsection 16 (2), if any; and
- (b) where the committee has decided that the pupil should be placed in a special education class, state the reasons for that decision.

19. (1) A parent who receives a statement of decision under section 18 may, by written notice delivered to the person specified in subsection (2) within 15 days of receipt of the statement of decision, request a meeting with the committee.

(2) The notice under subsection (1) shall be delivered to the principal in the case of a referral under subsection 14 (1) and to the designated representative in the case of a referral under subsection 14 (3).

(3) On receiving the request, the principal or designated representative, as the case may be, shall arrange for the committee to meet as soon as possible with the parent and, where the pupil is 16 years of age or older and wishes to attend, the pupil, to discuss the statement of decision.

(4) As soon as possible following a meeting under this section, the chair of the committee shall send a written notice to each of the persons described in subsection 18 (1), stating whether any changes in its decisions were made as a result of the meeting.

(5) If changes in the committee's decisions were made as a result of the meeting, the notice under subsection (4) shall be accompanied by a revised statement of decision, together with written reasons for the changes.

20. (1) A board shall implement a placement decision made by a committee under this Part when one of the following two events occurs:

1. A parent of the pupil consents in writing to the placement.
2. The time period provided in subsection 26 (2) for filing a notice of appeal from the decision expires without a notice of appeal being filed.

(2) The board shall implement a placement decision made by a committee under this Part as soon as possible after an event described in paragraph 1 or 2 of subsection (1) occurs.

(3) A board that, without the written consent of a parent of the pupil, implements a placement decision made by a committee under this Part shall give written notice of the implementation to a parent of the pupil.

#### PART V COMMITTEE REVIEWS

21. (1) The principal of the school at which a pupil's special education program is being provided,

- (a) may on written notice to a parent of the pupil;
- (b) shall at the written request of a parent of the pupil; and
- (c) shall, at the written request of the designated representative of the board that is providing the special education program to the pupil,

refer the pupil to a committee established by the board that is providing the special education program to the pupil, for a review of the identification or placement of the pupil.

- (ii) les catégories et les définitions de toute anomalie décelée par le comité,
- (iii) la décision en matière de placement prise par le comité,
- (iv) la recommandation que fait le comité en vertu du paragraphe 16 (2), le cas échéant;

b) dans le cas où le comité a décidé que l'élève devrait être placé dans une classe pour l'enfance en difficulté, il fait état des motifs de cette décision.

19. (1) Le père ou la mère qui reçoit l'énoncé de décision prévu à l'article 18 peut demander une réunion avec le comité par avis écrit remis dans les 15 jours qui suivent à la personne précisée au paragraphe (2).

(2) L'avis prévu au paragraphe (1) est remis au directeur d'école dans le cas de l'aiguillage effectué aux termes du paragraphe 14 (1) et au représentant désigné dans le cas de l'aiguillage effectué aux termes du paragraphe 14 (3).

(3) À la réception de la demande, le directeur d'école ou le représentant désigné, selon le cas, prend des dispositions pour que le comité se réunisse dès que possible avec le père ou la mère de même que l'élève, s'il est âgé d'au moins 16 ans et souhaite être présent, pour discuter de l'énoncé de décision.

(4) Dès que possible à la suite d'une réunion tenue aux termes du présent article, le président du comité envoie à chacune des personnes visées au paragraphe 18 (1) un avis écrit indiquant si des modifications ont été apportées à ses décisions par suite de la réunion.

(5) Si des modifications ont été apportées aux décisions du comité par suite de la réunion, l'avis prévu au paragraphe (4) s'accompagne d'un énoncé de décision révisé, ainsi que de l'exposé écrit des motifs des modifications.

20. (1) Le conseil met en application une décision en matière de placement prise par un comité en vertu de la présente partie lorsque se réalise l'une ou l'autre des deux éventualités suivantes :

1. Le père ou la mère de l'élève consent par écrit au placement.
2. Le délai prévu au paragraphe 26 (2) pour déposer un avis d'appel de la décision expire sans qu'un tel avis ait été déposé.

(2) Le conseil met en application une décision en matière de placement prise par un comité en vertu de la présente partie dès que possible après que se réalise l'une ou l'autre des éventualités visées aux dispositions 1 et 2 du paragraphe (1).

(3) Le conseil qui, sans le consentement écrit du père ou de la mère de l'élève, met en application une décision en matière de placement prise par un comité en vertu de la présente partie donne un avis écrit en ce sens au père ou à la mère de l'élève.

#### PARTIE V RÉEXAMEN PAR LES COMITÉS

21. (1) Le directeur de l'école à laquelle le programme d'enseignement à l'enfance en difficulté est offert à l'élève :

- a) peut, sur avis écrit adressé au père ou à la mère de l'élève;
- b) doit, sur demande écrite du père ou de la mère de l'élève;
- c) doit, sur demande écrite du représentant désigné du conseil qui offre le programme à l'élève,

aiguiller l'élève vers un comité créé par le conseil qui offre le programme à l'élève pour qu'il réexamine l'identification ou le placement de l'élève.



(2) A request by a parent under clause (1) (b) may be made at any time after a placement has been in effect for three months but may not be made more often than once in every three month period.

(3) Subject to subsection (4), the designated representative shall make a request under clause (1) (c) when in his or her opinion it is necessary to do so in order to ensure that a review in respect of the pupil is held under this Part at least once in each school year.

(4) Subsection (3) does not apply where,

(a) a committee proceeding with respect to the pupil was held under Part IV during the school year; or

(b) a parent of the pupil gives a written notice dispensing with the annual review to the principal of the school at which the special education program is being provided.

(5) Within 15 days of giving a notice under clause (1) (a) or receiving a request under clause (1) (b) or (c), the principal shall provide the parent with a written statement of the approximate time when the review meeting will take place.

22. (1) Where more than one committee has been established by a board, the principal of the school at which the special education program is provided shall determine which of the committees is most appropriate for the pupil, having regard to the jurisdiction of the committees.

(2) Where one board purchases a special education program from another board, the board that is providing the special education program to the pupil shall invite the purchasing board to select a representative who may,

(a) be present at and participate in all committee discussions about the pupil; and

(b) be present when the committee's identification and placement decisions are made.

23. (1) Sections 15 and 16 apply with necessary modifications to a committee engaged in a review under this Part.

(2) With the written permission of a parent of the pupil, a committee conducting a review under this Part shall consider the pupil's progress with reference to the pupil's individual education plan.

(3) As soon as possible after a committee engaged in a review under this Part decides that it is satisfied with the identification and placement of a pupil, the chair of the committee shall send a written statement of decision confirming the identification and placement to,

(a) a parent of the pupil;

(b) the pupil, where the pupil is 16 years of age or older;

(c) the principal of the school at which the pupil's special education program is being provided;

(d) the designated representative of the board that is providing the special education program to the pupil; and

(e) in the circumstances described in subsection 22 (2), the designated representative of the board that is purchasing the special education program.

(4) As soon as possible after a committee engaged in a review under this Part decides that the identification or placement or both should be changed, the chair of the committee shall send a written statement of decision to the persons described in subsection (3).

(2) La demande du père ou de la mère prévue à l'alinéa (1) b) peut être présentée dès qu'un placement est en vigueur depuis trois mois, mais elle ne peut l'être plus d'une fois au cours de chaque période de trois mois.

(3) Sous réserve du paragraphe (4), le représentant désigné fait la demande prévue à l'alinéa (1) c) lorsqu'il est nécessaire de le faire à son avis pour veiller à ce que la situation de l'élève soit réexaminée aux termes de la présente partie au moins une fois au cours de chaque année scolaire.

(4) Le paragraphe (3) ne s'applique pas dans les cas suivants :

a) un comité a délibéré sur la situation de l'élève aux termes de la partie IV au cours de l'année scolaire;

b) le père ou la mère de l'élève a remis un avis écrit renonçant au réexamen annuel au directeur de l'école à laquelle est offert le programme d'enseignement à l'enfance en difficulté.

(5) Dans les 15 jours de la remise de l'avis prévu à l'alinéa (1) a) ou de la réception de la demande prévue à l'alinéa (1) b) ou c), le directeur d'école fournit au père ou à la mère un énoncé écrit du moment approximatif où aura lieu la réunion de réexamen.

22. (1) Si le conseil a créé plus d'un comité, le directeur de l'école à laquelle est offert le programme d'enseignement à l'enfance en difficulté détermine lequel des comités est le plus approprié pour l'élève, eu égard à leur compétence.

(2) Si le conseil achète à un autre conseil un programme d'enseignement à l'enfance en difficulté, le conseil qui offre le programme à l'élève invite le conseil acheteur à choisir un représentant qui peut :

a) d'une part, assister et participer aux discussions d'un comité au sujet de l'élève;

b) d'autre part, être présent lorsque le comité prend ses décisions en matière d'identification et de placement.

23. (1) Les articles 15 et 16 s'appliquent, avec les adaptations nécessaires, au comité qui procède à un réexamen aux termes de la présente partie.

(2) Avec l'autorisation écrite du père ou de la mère de l'élève, le comité qui procède à un réexamen aux termes de la présente partie tient compte des progrès accomplis par l'élève relativement à son plan d'enseignement particulier.

(3) Dès que possible après que le comité qui procède à un réexamen aux termes de la présente partie décide qu'il est satisfait de l'identification et du placement d'un élève, son président envoie un énoncé écrit de décision confirmant l'identification et le placement aux personnes suivantes :

a) le père ou la mère de l'élève;

b) l'élève, s'il est âgé d'au moins 16 ans;

c) le directeur de l'école à laquelle le programme d'enseignement à l'enfance en difficulté est offert à l'élève;

d) le représentant désigné du conseil qui offre à l'élève le programme d'enseignement à l'enfance en difficulté;

e) dans le cas visé au paragraphe 22 (2), le représentant désigné du conseil qui achète le programme d'enseignement à l'enfance en difficulté.

(4) Dès que possible après que le comité qui procède à un réexamen aux termes de la présente partie décide que l'identification ou le placement, ou les deux, devraient être modifiés, son président envoie un énoncé écrit de décision aux personnes visées au paragraphe (3).

(5) A statement of decision under subsection (4) shall state,

- (a) the reasons for the committee's decision that the pupil's identification or placement or both should be changed;
- (b) whether the committee considers that the pupil should continue to be identified as an exceptional pupil;
- (c) where the committee considers that the pupil should continue to be identified as an exceptional pupil,
  - (i) the committee's placement decision,
  - (ii) the committee's description of the pupil's strengths and needs, and
  - (iii) the categories and definitions of any exceptionalities identified by the committee; and
- (d) where the committee considers that the pupil should be placed in a special education class, the reasons for that decision.

(6) Section 17 applies with necessary modifications where a committee is considering the option of placing a pupil in a special education class and the pupil is not already in such a placement.

24. (1) A parent who receives a confirmation under subsection 23 (3) or a statement of decision under subsection 23 (4) may request a meeting with the committee by written notice, delivered within 15 days of receiving the confirmation or statement of decision, to the principal of the school at which the pupil's special education program is being provided.

(2) On receiving the request for a meeting, the principal shall arrange for the committee to meet as soon as possible with the parent and, where the pupil is 16 years of age or older and wishes to attend, the pupil, to discuss the statement of decision.

(3) As soon as possible following a meeting under this section, the chair of the committee shall send a written notice to each of the persons described in subsection 23 (3), stating whether any changes in its decisions were made as a result of the meeting.

(4) If changes in the committee's decisions were made as a result of the meeting, the notice under subsection (3) shall be accompanied by a revised statement of decision, together with written reasons for the changes.

25. (1) A board shall implement a change in placement as a result of a decision made by a committee under this Part when one of the following two events occurs:

- 1. A parent of the pupil consents in writing to the placement.
- 2. The time period provided in subsection 26 (3) for filing a notice of appeal from the decision expires without a notice of appeal being filed.

(2) The board shall implement a change in placement as a result of a decision made by a committee under this Part as soon as possible after an event described in paragraph 1 or 2 of subsection (1) occurs.

(3) A board that, without the written consent of a parent of the pupil, implements a change in placement as a result of a decision made by a committee under this Part shall give written notice of the implementation to a parent of the pupil.

#### PART VI APPEALS FROM COMMITTEE DECISIONS

26. (1) A parent of a pupil may, by filing a notice of appeal in accordance with subsection (2) or (3), require a hearing by a special education appeal board in respect of,

(5) L'énoncé de décision prévu au paragraphe (4) fait état de ce qui suit :

- a) les motifs de la décision du comité selon laquelle l'identification ou le placement de l'élève, ou les deux, devraient être modifiés;
- b) la question de savoir si le comité estime que l'élève devrait continuer d'être identifié comme étant un élève en difficulté;
- c) dans le cas où le comité estime que l'élève devrait continuer d'être identifié comme étant un élève en difficulté :
  - (i) la décision en matière de placement prise par le comité,
  - (ii) la description que fait le comité des points forts et des besoins de l'élève,
  - (iii) les catégories et les définitions de toute anomalie décelée par le comité;
- d) dans le cas où le comité estime que l'élève devrait être placé dans une classe pour l'enfance en difficulté, les motifs de cette décision.

(6) L'article 17 s'applique, avec les adaptations nécessaires, lorsque le comité envisage la possibilité de placer l'élève dans une classe pour l'enfance en difficulté et que l'élève ne fait pas déjà l'objet d'un tel placement.

24. (1) Le père ou la mère qui reçoit la confirmation prévue au paragraphe 23 (3) ou l'énoncé de décision prévu au paragraphe 23 (4) peut, par avis écrit remis dans les 15 jours qui suivent, demander une réunion avec le comité au directeur de l'école à laquelle le programme d'enseignement à l'enfance en difficulté est offert à l'élève.

(2) À la réception de la demande de réunion, le directeur d'école prend des dispositions pour que le comité se réunisse dès que possible avec le père ou la mère de même que l'élève, s'il est âgé d'au moins 16 ans et souhaite être présent, pour discuter de l'énoncé de décision.

(3) Dès que possible à la suite d'une réunion tenue aux termes du présent article, le président du comité envoie à chacune des personnes visées au paragraphe 23 (3) un avis écrit indiquant si des modifications ont été apportées à ses décisions par suite de la réunion.

(4) Si des modifications ont été apportées aux décisions du comité par suite de la réunion, l'avis prévu au paragraphe (3) s'accompagne d'un énoncé de décision révisé, ainsi que de l'exposé écrit des motifs des modifications.

25. (1) Le conseil modifie un placement par suite d'une décision prise par un comité en vertu de la présente partie lorsque se réalise l'une ou l'autre des deux éventualités suivantes :

- 1. Le père ou la mère de l'élève consent par écrit au placement.
- 2. Le délai prévu au paragraphe 26 (3) pour déposer un avis d'appel de la décision expire sans qu'un tel avis ait été déposé.

(2) Le conseil modifie un placement par suite d'une décision prise par un comité en vertu de la présente partie dès que possible après que se réalise l'une ou l'autre des éventualités visées aux dispositions 1 et 2 du paragraphe (1).

(3) Le conseil qui, sans le consentement écrit du père ou de la mère de l'élève, modifie un placement par suite d'une décision prise par un comité en vertu de la présente partie donne un avis écrit en ce sens au père ou à la mère de l'élève.

#### PARTIE VI APPEL DES DÉCISIONS DES COMITÉS

26. (1) Le père ou la mère d'un élève peut, en déposant un avis d'appel conformément au paragraphe (2) ou (3), exiger la tenue d'une au-

- (a) a committee decision under Part IV or V that the pupil is an exceptional pupil;
- (b) a committee decision under Part IV or V that the pupil is not an exceptional pupil; or
- (c) a committee decision under Part IV or V on placement of the pupil.

(2) A notice of appeal in respect of a committee decision under Part IV shall be filed with the secretary of the board,

- (a) if no meeting is held under section 19, within 30 days of receipt of the statement of decision under section 18 by the parent who is seeking to appeal; or
- (b) if a meeting is held under section 19, within 15 days of receipt of the notice under subsection 19 (4) by the parent who is seeking to appeal.

(3) A notice of appeal in respect of a committee decision under Part V shall be filed with the secretary of the board,

- (a) if no meeting is held under section 24, within 30 days of receipt of the confirmation under subsection 23 (3) or the statement of decision under subsection 23 (4) by the parent who is seeking to appeal; or
- (b) if a meeting is held under section 24, within 15 days of receipt of the notice under subsection 24 (3) by the parent who is seeking to appeal.

(4) A notice of appeal shall indicate which of the decisions referred to in subsection (1) the parent disagrees with and shall include a statement that sets out the nature of the disagreement.

(5) The special education appeal board shall not reject or refuse to deal with an appeal by reason of any actual or alleged deficiency in the statement referred to in subsection (4) or by reason of the failure of the parent, in the opinion of the special education appeal board, to accurately indicate in the notice of appeal the subject of the disagreement.

27. (1) The special education appeal board shall be composed of,

- (a) one member selected by the board in which the pupil is placed;
- (b) one member selected by a parent of the pupil; and
- (c) a chair, selected jointly by the members selected under clauses (a) and (b) or, where those members cannot agree, by the appropriate district manager of the Ministry.

(2) Selections under clauses (1) (a) and (b) shall be made within 15 days of receipt of the notice of appeal by the secretary of the board.

(3) The selection of a chair under clause (1) (c) shall be made within 15 days of the last selection under clauses (1) (a) and (b).

(4) No member or employee of the board providing or purchasing the special education program and no employee of the Ministry may be selected under subsection (1).

(5) No person who has had any prior involvement with the matter under appeal may be selected under subsection (1).

(6) The chair of the committee the decision of which is being appealed shall provide the special education appeal board with the record of the committee proceeding, including the statement of decision and any reports, assessments or other documents considered by the committee.

dience par une commission d'appel en matière d'éducation de l'enfance en difficulté en ce qui concerne :

- a) soit une décision prise par un comité aux termes de la partie IV ou V et selon laquelle l'élève est un élève en difficulté;
- b) soit une décision prise par un comité aux termes de la partie IV ou V et selon laquelle l'élève n'est pas un élève en difficulté;
- c) soit une décision prise par un comité aux termes de la partie IV ou V et portant sur le placement de l'élève.

(2) L'avis d'appel d'une décision prise par un comité aux termes de la partie IV est déposé auprès du secrétaire du conseil dans les délais suivants :

- a) si aucune réunion n'est tenue aux termes de l'article 19, dans les 30 jours de la réception de l'énoncé de décision prévu à l'article 18 par le père ou la mère qui cherche à interjeter appel;
- b) si une réunion est tenue aux termes de l'article 19, dans les 15 jours de la réception de l'avis prévu au paragraphe 19 (4) par le père ou la mère qui cherche à interjeter appel.

(3) L'avis d'appel d'une décision prise par un comité aux termes de la partie V est déposé auprès du secrétaire du conseil dans les délais suivants :

- a) si aucune réunion n'est tenue aux termes de l'article 24, dans les 30 jours de la réception de la confirmation prévue au paragraphe 23 (3) ou de l'énoncé de décision prévu au paragraphe 23 (4) par le père ou la mère qui cherche à interjeter appel;
- b) si une réunion est tenue aux termes de l'article 24, dans les 15 jours de la réception de l'avis prévu au paragraphe 24 (3) par le père ou la mère qui cherche à interjeter appel.

(4) L'avis d'appel indique celle des décisions visées au paragraphe (1) au sujet de laquelle le père ou la mère est en désaccord et comprend un énoncé qui fait état de la nature du désaccord.

(5) La commission d'appel en matière d'éducation de l'enfance en difficulté ne doit pas rejeter un appel ou refuser de le traiter pour le motif que l'énoncé visé au paragraphe (4) contient une lacune réelle ou prétendue ou que le père ou la mère, de l'avis de la commission, n'a pas indiqué l'objet du désaccord avec exactitude dans l'avis d'appel.

27. (1) La commission d'appel en matière d'éducation de l'enfance en difficulté se compose des personnes suivantes :

- a) un membre choisi par le conseil où l'élève est placé;
- b) un membre choisi par le père ou la mère de l'élève;
- c) un président choisi conjointement par les membres choisis aux termes des alinéas a) et b) ou, si ces membres n'arrivent pas à s'entendre, par le directeur régional compétent du ministère.

(2) Les choix prévus aux alinéas (1) a) et b) sont effectués dans les 15 jours de la réception de l'avis d'appel par le secrétaire du conseil.

(3) Le choix d'un président prévu à l'alinéa (1) c) est effectué dans les 15 jours du choix le plus récent effectué aux termes des alinéas (1) a) et b).

(4) Aucun membre ou employé du conseil qui offre ou achète le programme d'enseignement à l'enfance en difficulté et aucun employé du ministère ne peuvent être choisis aux termes du paragraphe (1).

(5) Aucune personne ayant été déjà liée à la question portée en appel ne peut être choisie aux termes du paragraphe (1).

(6) Le président du comité dont la décision est portée en appel fournit à la commission d'appel en matière d'éducation de l'enfance en difficulté le dossier des travaux du comité, y compris l'énoncé de décision et les rapports, évaluations ou autres documents dont le comité a tenu compte, le cas échéant.

(7) The board shall provide the special education appeal board with the secretarial and administrative services it requires and shall, in accordance with the rules and policies that apply to members of the board under section 191.2 of the Act, pay the travelling and other expenses incurred by the members of the special education appeal board while engaged in their duties.

28. (1) The chair of the special education appeal board shall arrange for a meeting of the members of the special education appeal board to discuss the matters under appeal and shall give notice of the meeting, in accordance with subsection 5 (5), to a parent of the pupil and, where the pupil is 16 years of age or older, the pupil.

(2) The meeting shall be arranged to take place at a convenient place and at a time that is no more than 30 days after the day on which the chair is selected and shall be conducted in an informal manner.

(3) Despite subsection (2), with the written consent of the parents of the pupil and the designated representative of the board, the meeting may be scheduled for a time that is more than 30 days after the day on which the chair is selected.

(4) Any person who in the opinion of the chair of the special education appeal board may be able to contribute information with respect to the matters under appeal shall be invited to attend the meeting.

(5) Where the pupil's special education program is being purchased by one board from another board, the chair shall invite the purchasing board to select a representative who may be present at and participate in all discussions about the pupil at the meeting held by the special education appeal board under section 28.

(6) Where the special education appeal board is satisfied that the opinions, views and information that bear on the appeal have been sufficiently presented to it, the special education appeal board shall end the meeting and, within three days of ending the meeting, shall,

- (a) agree with the committee and recommend that its decisions be implemented; or
- (b) disagree with the committee and make a recommendation to the board about the pupil's identification, placement or both.

29. (1) The special education appeal board shall send a written statement of its recommendations under section 28 to,

- (a) a parent of the pupil;
- (b) where the pupil is 16 years of age or older, the pupil;
- (c) the chair of the committee;
- (d) the principal of the school in which the pupil is placed;
- (e) the designated representative of the board in which the pupil is placed; and
- (f) in the circumstances described in subsection 28 (5), the designated representative of the board that is purchasing the special education program.

(2) The written statement shall be accompanied by written reasons for the recommendations.

30. (1) Within 30 days of receiving the special education appeal board's written statement, the board shall consider the special education appeal board's recommendations, shall decide what action to take with respect to the pupil and shall give notice in writing of the decision to each of the persons described in subsection 29 (1).

(7) Le conseil fournit à la commission d'appel en matière d'éducation de l'enfance en difficulté les services de secrétariat et d'administration dont elle a besoin et, conformément aux règles et politiques qui s'appliquent aux membres du conseil aux termes de l'article 191.2 de la Loi, acquitte les frais de déplacement et autres qu'engagent les membres de la commission dans l'exercice de leurs fonctions.

28. (1) Le président de la commission d'appel en matière d'éducation de l'enfance en difficulté convoque les membres de la commission à une réunion pour discuter des questions portées en appel et donne avis de la réunion, conformément au paragraphe 5 (5), au père ou à la mère de l'élève de même qu'à celui-ci, s'il est âgé d'au moins 16 ans.

(2) Les dispositions nécessaires sont prises pour que la réunion ait lieu dans un endroit commode et à une date qui n'est pas postérieure de plus de 30 jours de celui où le président est choisi; elle se tient de façon informelle.

(3) Malgré le paragraphe (2), avec le consentement écrit des parents de l'élève et du représentant désigné du conseil, la réunion peut se tenir plus de 30 jours après celui où le président est choisi.

(4) Quiconque, de l'avis du président de la commission d'appel en matière d'éducation de l'enfance en difficulté, peut apporter des renseignements à l'égard des questions portées en appel est invité à assister à la réunion.

(5) Lorsque le conseil achète à un autre conseil le programme d'enseignement à l'enfance en difficulté qui est offert à l'élève, le président invite le conseil acheteur à choisir un représentant qui peut assister et participer aux discussions qui ont lieu au sujet de l'élève à la réunion que tient la commission d'appel en matière d'éducation de l'enfance en difficulté aux termes de l'article 28.

(6) Si elle est convaincue que les avis, points de vue et renseignements qui se rapportent à l'appel lui ont été suffisamment communiqués, la commission d'appel en matière d'éducation de l'enfance en difficulté met fin à la réunion et, dans les trois jours :

- a) soit se dit d'accord avec le comité et recommande que les décisions de celui-ci soient mises en application;
- b) soit se dit en désaccord avec le comité et fait une recommandation au conseil au sujet de l'identification ou du placement de l'élève, ou des deux.

29. (1) La commission d'appel en matière d'éducation de l'enfance en difficulté envoie un énoncé écrit des recommandations qu'elle fait aux termes de l'article 28 aux personnes suivantes :

- a) le père ou la mère de l'élève;
- b) l'élève, s'il est âgé d'au moins 16 ans;
- c) le président du comité;
- d) le directeur de l'école où l'élève est placé;
- e) le représentant désigné du conseil où l'élève est placé;
- f) dans le cas visé au paragraphe 28 (5), le représentant désigné du conseil qui achète le programme d'enseignement à l'enfance en difficulté.

(2) L'énoncé écrit s'accompagne de l'exposé écrit des motifs des recommandations.

30. (1) Dans les 30 jours de la réception de l'énoncé écrit de la commission d'appel en matière d'éducation de l'enfance en difficulté, le conseil étudie les recommandations de celle-ci, décide des mesures à prendre relativement à l'élève et donne un avis écrit de sa décision à chacune des personnes visées au paragraphe 29 (1).

(2) In deciding what action to take with respect to a pupil, the board is not limited to the actions that the special education appeal board recommended or could have recommended.

(3) Notice to a parent under subsection (1) shall include an explanation of the further right of appeal provided by section 57 of the Act.

31. (1) The board shall implement a decision under subsection 30 (1) when one of the following events occurs:

1. A parent of the pupil consents in writing to the decision.
2. Thirty days have elapsed from receipt of the notice under subsection 30 (1) by a parent of the pupil and no appeal has been commenced in respect of the decision under section 57 of the Act.
3. An appeal under section 57 of the Act from the decision is dismissed or abandoned.

(2) In accordance with an agreement between the board and a parent of the pupil, the board may change a decision made by it under section 30,

- (a) while an appeal under section 57 of the Act is pending; or
- (b) before the end of the period referred to in paragraph 2 of subsection (1).

(3) Where the board changes a decision under subsection (2), the board shall give notice in writing of the change in decision to each of the persons described in subsection 29 (1).

(4) Subsections 30 (2) and (3) apply with necessary modifications in respect of a change in decision under subsection (2).

## PART VII TRANSITIONAL PROVISIONS

### INTERPRETATION

32. In this Part,

"old regulation" means Regulation 305 of the Revised Regulations of Ontario, 1990.

#### COMMITTEES ESTABLISHED BEFORE SEPTEMBER 1, 1998

33. (1) Where a matter was referred to a committee under section 2 of the old Regulation, the matter shall be dealt with on and after September 1, 1998 as if it had been referred to a committee under Part IV of this Regulation and, for the purpose, the provisions of this Regulation apply to the committee proceeding and to all related proceedings, including appeals, with appropriate modifications.

(2) Where a matter was referred to a committee under section 8 of the old Regulation, the matter shall be dealt with on and after September 1, 1998 as if it had been referred to a committee under Part V of this Regulation and, for the purpose, the provisions of this Regulation apply to the committee proceeding and to all related proceedings, including appeals, with appropriate modifications.

(3) The modifications required by subsections (1) and (2) are such modifications as the person or body exercising a power or meeting a requirement under this Regulation considers appropriate having regard to the stage to which the matter has proceeded.

### PARENTS' GUIDE

34. Until December 31, 1998, a board may meet the requirements of subsection 13 (2) and clauses 14 (6) (a) and 14 (7) (b) using copies of a guide prepared under section 2 of the old regulation.

(2) Lorsqu'il décide des mesures à prendre relativement à un élève, le conseil n'est pas limité aux mesures que la commission d'appel en matière d'éducation de l'enfance en difficulté a recommandées ou aurait pu recommander.

(3) L'avis donné au père ou à la mère aux termes du paragraphe (1) comprend une explication du droit d'appel supplémentaire que prévoit l'article 57 de la Loi.

31. (1) Le conseil met en application une décision prise aux termes du paragraphe 30 (1) lorsque l'une ou l'autre des éventualités suivantes se réalise :

1. Le père ou la mère de l'élève consent par écrit à la décision.
2. Trente jours se sont écoulés depuis que le père ou la mère de l'élève a reçu l'avis prévu au paragraphe 30 (1) sans qu'aucun appel ait été interjeté à l'égard de la décision en vertu de l'article 57 de la Loi.
3. L'appel de la décision interjeté en vertu de l'article 57 de la Loi est rejeté ou abandonné.

(2) Le conseil peut, conformément à une entente conclue entre lui et le père ou la mère de l'élève, modifier une décision qu'il a prise aux termes de l'article 30 :

- a) pendant qu'un appel interjeté en vertu de l'article 57 de la Loi est en instance;
- b) avant l'expiration de la période visée à la disposition 2 du paragraphe (1).

(3) Le conseil qui modifie une décision en vertu du paragraphe (2) en avise par écrit chacune des personnes visées au paragraphe 29 (1).

(4) Les paragraphes 30 (2) et (3) s'appliquent, avec les adaptations nécessaires, à l'égard de la modification d'une décision en vertu du paragraphe (2).

## PARTIE VII DISPOSITIONS TRANSITOIRES

### INTERPRÉTATION

32. La définition qui suit s'applique à la présente partie.

«ancien règlement» Le Règlement 305 des Règlements refondus de l'Ontario de 1990.

#### COMITÉS CRÉÉS AVANT LE 1<sup>ER</sup> SEPTEMBRE 1998

33. (1) À compter du 1<sup>er</sup> septembre 1998, toute affaire qui a été renvoyée à un comité aux termes de l'article 2 de l'ancien règlement est traitée comme si elle avait été renvoyée à un comité aux termes de la partie IV du présent règlement. À cette fin, les dispositions du présent règlement s'appliquent, avec les adaptations nécessaires, aux travaux du comité et aux instances connexes, y compris les appels.

(2) À compter du 1<sup>er</sup> septembre 1998, toute affaire qui a été renvoyée à un comité aux termes de l'article 8 de l'ancien règlement est traitée comme si elle avait été renvoyée à un comité aux termes de la partie V du présent règlement. À cette fin, les dispositions du présent règlement s'appliquent, avec les adaptations nécessaires, aux travaux du comité et aux instances connexes, y compris les appels.

(3) Les adaptations exigées par les paragraphes (1) et (2) sont celles que la personne ou l'organe qui exerce un pouvoir ou satisfait à une exigence aux termes du présent règlement estime appropriées eu égard à l'étape à laquelle l'affaire est rendue.

### GUIDE DES PARENTS

34. Jusqu'au 31 décembre 1998, le conseil peut satisfaire aux exigences du paragraphe 13 (2) et des alinéas 14 (6) a) et 14 (7) b) en se servant des exemplaires du guide qu'il a préparé aux termes de l'article 2 de l'ancien règlement.

## INDIVIDUAL EDUCATION PLANS

35. Subsections 7 (2) to (7) apply with necessary modifications if, as a result of a decision of a committee, a special education appeal board or the Special Education Tribunal,

- (a) an existing placement of an exceptional pupil who does not yet have an individual education plan is confirmed; or
- (b) a board implements a change in placement of an exceptional pupil who does not yet have an individual education plan.

## APPEALS FILED BEFORE SEPTEMBER 1, 1998

36. (1) This section applies if a notice of appeal is given under section 4 of the old regulation before September 1, 1998 but the appeal is not finally determined before that date.

(2) If three people are appointed before September 1, 1998 under section 7 of the old regulation to form an appeal board to hear the appeal, the appeal shall be held in accordance with the old regulation as it read immediately before it was revoked.

(3) If three people are not appointed before September 1, 1998 under section 7 of the old regulation to form an appeal board to hear the appeal, the appeal shall be held in accordance with this Regulation.

(4) For the purposes of subsection (3),

- (a) the notice given under section 4 of the old regulation shall be deemed to be a notice properly given under section 26 of this Regulation; and
- (b) selections under clauses 27 (1) (a) and (b) shall be made on or before September 15, 1998 rather than within the times specified in subsections 27 (2) and (3).

37. (1) This section applies where an appeal is held in accordance with the old regulation as a result of the application of subsection 36 (2) of this Regulation.

(2) If the board receives the report of the appeal decision under subsection 7 (10) of the old regulation before September 1, 1998, subsection 7 (11) of the old regulation applies as it read immediately before it was revoked.

(3) If the board does not receive the report of the appeal decision under subsection 7 (10) of the old regulation before September 1, 1998, sections 30 and 31 of this Regulation apply as if the report of the appeal decision given under subsection 7 (10) of the old regulation were a statement given under section 29 of this Regulation.

PART VIII  
REVOCATION

38. Regulation 305 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 663/91 are revoked.

PART IX  
COMMENCEMENT

39. (1) This Regulation, except subsection 13 (3), comes into force on September 1, 1998.

(2) Subsection 13 (3) comes into force on January 1, 1999.

DAVID JOHNSON  
*Minister of Education and Training*

Dated on April 2, 1998.

20/98

## PLANS D'ENSEIGNEMENT PARTICULIER

35. Les paragraphes 7 (2) à (7) s'appliquent, avec les adaptations nécessaires, si, par suite d'une décision d'un comité, d'une commission d'appel en matière d'éducation de l'enfance en difficulté ou d'un tribunal de l'enfance en difficulté :

- a) soit le placement existant d'un élève en difficulté qui n'a pas encore de plan d'enseignement particulier est confirmé;
- b) soit le conseil modifie le placement d'un élève en difficulté qui n'a pas encore de plan d'enseignement particulier.

AVIS D'APPEL DÉPOSÉS AVANT LE 1<sup>ER</sup> SEPTEMBRE 1998

36. (1) Le présent article s'applique si un avis d'appel est donné en vertu de l'article 4 de l'ancien règlement avant le 1<sup>er</sup> septembre 1998 et que l'appel n'est pas tranché avant cette date.

(2) Si trois personnes sont nommées avant le 1<sup>er</sup> septembre 1998 aux termes de l'article 7 de l'ancien règlement pour constituer une commission d'appel chargée d'entendre l'appel, celui-ci est entendu conformément à l'ancien règlement tel qu'il existait immédiatement avant son abrogation.

(3) Si trois personnes ne sont pas nommées avant le 1<sup>er</sup> septembre 1998 aux termes de l'article 7 de l'ancien règlement pour constituer une commission d'appel chargée d'entendre l'appel, celui-ci est entendu conformément au présent règlement.

(4) Pour l'application du paragraphe (3) :

- a) l'avis donné en vertu de l'article 4 de l'ancien règlement est réputé un avis valablement donné en vertu de l'article 26 du présent règlement;
- b) les choix prévus aux alinéas 27 (1) a) et b) sont effectués au plus tard le 15 septembre 1998 plutôt que dans les délais précisés aux paragraphes 27 (2) et (3).

37. (1) Le présent article s'applique lorsqu'un appel est entendu conformément à l'ancien règlement par l'effet du paragraphe 36 (2) du présent règlement.

(2) Si le conseil reçoit le rapport de la décision prévu au paragraphe 7 (10) de l'ancien règlement avant le 1<sup>er</sup> septembre 1998, le paragraphe 7 (11) de l'ancien règlement s'applique tel qu'il existait immédiatement avant son abrogation.

(3) Si le conseil ne reçoit pas le rapport de la décision prévu au paragraphe 7 (10) de l'ancien règlement avant le 1<sup>er</sup> septembre 1998, les articles 30 et 31 du présent règlement s'appliquent comme si le rapport remis aux termes du paragraphe 7 (10) de l'ancien règlement constituait un énoncé remis aux termes de l'article 29 du présent règlement.

PARTIE VIII  
ABROGATION

38. Le Règlement 305 des Règlements refondus de l'Ontario de 1990 et le Règlement de l'Ontario 663/91 sont abrogés.

PARTIE IX  
ENTRÉE EN VIGUEUR

39. (1) Le présent règlement, sauf le paragraphe 13 (3), entre en vigueur le 1<sup>er</sup> septembre 1998.

(2) Le paragraphe 13 (3) entre en vigueur le 1<sup>er</sup> janvier 1999.

DAVID JOHNSON  
*Ministre de l'Éducation et de la Formation*

Fait le 2 avril 1998.



**ONTARIO REGULATION 182/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: April 30, 1998  
Filed: April 30, 1998

**RESTRICTED FIRE ZONE**

1. The part of the East Fire Region referred to in Schedule 2 of Ontario Regulation 207/96, as described in Schedule 'A' hereto, is declared to be a restricted fire zone from 0001 hours on May 1 to 2400 hours on October 31, both inclusive, in the year 1998.

**Schedule 'A'**

In the geographic Townships of Chabanel, Corbiere, Esquega, Musquash and McMurray, in the Territorial District of Algoma and Province of Ontario, containing 5325 hectares, more or less, being composed of those parts of the said townships designated as Part 1 on a plan of the Restricted Fire Zone for the Wawa Fume Kill Area and filed in the Office of the Surveyor General at the Ministry of Natural Resources in Peterborough, on April 30, 1998.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister*  
*Corporate Services Division*  
*Ministry of Natural Resources*

Dated on April 30, 1998.

20/98

**ONTARIO REGULATION 183/98**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: April 15, 1998  
Filed: May 1, 1998

Amending Reg. 965 of R.R.O. 1990  
(Hospital Management)

Note: Since January 1, 1997, Regulation 965 has been amended by Ontario Regulations 45/98 and 150/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Regulation 965 of the Revised Regulations of Ontario, 1990 is amended by striking out the heading immediately before section 35 and substituting the following:

**DEFINITION OF HOSPITAL SUBSIDIARY**

2. (1) The definition of "hospital foundation" in subsection 35 (1) of the Regulation is revoked.

(2) Subsection 35 (2) of the Regulation is revoked.

ELIZABETH WITMER  
*Minister of Health*

Dated on April 15, 1998.

20/98

**ONTARIO REGULATION 184/98**  
made under the  
**PUBLIC HOSPITALS ACT**

Made: April 15, 1998  
Filed: May 1, 1998

Amending O. Reg. 553/96  
(Financial Reports by Hospital Foundations)

Note: Ontario Regulation 553/96 has not previously been amended.

1. The title to Ontario Regulation 553/96 is revoked and the following substituted:

**FINANCIAL REPORTS BY HOSPITAL  
SUBSIDIARIES**

2. (1) Subsection 1 (1) of the Regulation is amended by striking out "hospital foundation and every" after "Every" in the first line.

(2) Subsections 1 (2) and (3) of the Regulation are revoked.

ELIZABETH WITMER  
*Minister of Health*

Dated on April 15, 1998.

20/98

**ONTARIO REGULATION 185/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 1, 1998  
Filed: May 1, 1998

**RESTRICTED FIRE ZONE**

1. Zones 3, 4, 6, 7, 8, 9 and 11 of the West Fire Region, as described in Schedule 1 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 1300 hours E.D.T. on May 1 to 2400 hours E.D.T. on May 7, both inclusive, in the year 1998.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister*  
*Corporate Services Division*  
*Ministry of Natural Resources*

Dated on May 1, 1998.

20/98





# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-05-23

## ONTARIO REGULATION 186/98 made under the PLANNING ACT

Made: April 28, 1998  
Filed: May 5, 1998

Amending O. Reg. 279/80  
(Restricted Areas—District of Algoma,  
Sault Ste. Marie North Planning Area)

Note: Since January 1, 1997, Ontario Regulation 279/80 has been amended by Ontario Regulations 256/97, 284/97, 365/97 and 144/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

### 1. Ontario Regulation 279/80 is amended by adding the following section:

142. (1) Despite paragraph c of subsection 5 (3), one accessory structure may be erected, located and used closer to the front lot line than the principal building or structure on the lands described in subsection (3).

(2) Despite paragraph 6 of subsection 29 (1), a principal building or structure may be erected, located and used on the lands described in subsection (3) with a minimum side yard setback of 2.2 metres.

(3) Subsections (1) and (2) apply to Lot 26 on Plan M-352 in the Geographic Township of Kars in the Territorial District of Algoma.

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on April 28, 1998.

21/98

## ONTARIO REGULATION 187/98 made under the PLANNING ACT

Made: May 6, 1998  
Filed: May 7, 1998

Amending O. Reg. 175/97  
(Delegation of Authority of Minister to Approve Plans of  
Subdivision and Condominium Descriptions)

Note: Ontario Regulation 175/97 has not previously been amended.

### 1. Item 5 (County of Lambton) of Schedule 1 of Ontario Regulation 175/97 is amended by adding the following file numbers:

38-T-89018

38-T-92005

38-T-93004

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 6, 1998.

21/98

## ONTARIO REGULATION 188/98 made under the PLANNING ACT

Made: May 6, 1998  
Filed: May 7, 1998

### DELEGATION OF AUTHORITY OF MINISTER TO LAMBTON COUNTY (OFFICIAL PLANS)

1. The Minister's authority with respect to official plans and amendments to official plans under section 17 of the Act is delegated to the council of the County of Lambton with respect to official plans and amendments to official plans for the local municipalities of the County of Lambton whose file numbers are set out in the Schedule.

2. (1) If any of the authority delegated to the council in section 1 is in turn delegated by the council to a committee of council or an appointed officer under subsection 5 (1) of the Act, the council shall forward to the Minister a certified copy of the delegating by-law within 15 days of its passing.

(2) The delegation of authority set out in this Regulation is not terminated by reason only that subsection (1) is not complied with.

### Schedule

1. Village of Alvinston  
38-OP-3236-006
2. Town of Bosanquet  
38-OP-0117-024  
38-OP-0117-026
3. Township of Sombra  
38-OP-1221
4. Village of Thedford  
38-OP-3244-004

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 6, 1998.

21/98

**ONTARIO REGULATION 189/98**

made under the  
**EDUCATION ACT**

Made: February 11, 1998

Filed: May 7, 1998

Revoking Reg. 303 of R.R.O. 1990  
(Regional Tribunals)

1. Regulation 303 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 666/91 are revoked.

21/98

**RÈGLEMENT DE L'ONTARIO 189/98**

pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 11 février 1998

déposé le 7 mai 1998

modifiant le Règl. 303 des R.R.O. de 1990  
(Tribunaux régionaux)

1. Le Règlement 303 des Règlements refondus de l'Ontario de 1990 et le Règlement de l'Ontario 666/91 sont abrogés.

**ONTARIO REGULATION 190/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 7, 1998

Filed: May 7, 1998

**RESTRICTED FIRE ZONE**

1. Zones 3, 4, 6, 7, 8, 9 and 11 of the West Fire Region, as described in Schedule 1 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 0001 hours E.D.T. on May 8 to 2400 hours E.D.T. on May 13, both inclusive, in the year 1998.

GAIL BEGGS  
*Assistant Deputy Minister*  
*Natural Resources Management Division*  
*Ministry of Natural Resources*

Dated on May 7, 1998.

21/98

**ONTARIO REGULATION 191/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: May 6, 1998

Filed: May 8, 1998

Amending Reg. 347 of R.R.O. 1990  
(General—Waste Management)

Note: Since January 1, 1997, Regulation 347 has been amended by Ontario Regulations 128/98 and 157/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 28.2 (2) of Regulation 347 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

(2) A woodwaste combustor site is exempt from the requirement of being the subject-matter of a hearing under subsection 30 (1) of the Act if the heat from the combustion is recovered and utilized.

21/98

**ONTARIO REGULATION 192/98**  
made under the  
**EMPLOYMENT STANDARDS ACT**

Made: May 6, 1998

Filed: May 8, 1998

**APPORTIONMENT OF MONEY COLLECTED BY  
OR PAID TO COLLECTORS**

1. For the purposes of subsections 73.0.2 (7) and 73.0.3 (4) of the Act, if the money collected or paid is less than the total owing to all persons including the Director and the collector, the money shall be apportioned among those persons in proportion to the amount each is owed.

21/98

**ONTARIO REGULATION 193/98**  
made under the  
**TRADES QUALIFICATION AND**  
**APPRENTICESHIP ACT**

Made: May 6, 1998  
Filed: May 8, 1998

Amending Reg. 1055 of R.R.O. 1990  
(General)

Note: Regulation 1055 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 27 of Regulation 1055 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**27. (1) The fees payable under this Regulation are as follows:**

1. For registering a contract of apprenticeship . . . . .	\$40.00
2. For issuing an initial certificate of qualification without examination . . . . .	60.00
3. For renewing a certificate of qualification, other than where paragraph 4 applies . . . . .	60.00
4. For renewing a certificate of qualification that has been expired for more than one year . . . . .	160.00
plus	
For each full year during which the certificate of qualification has been expired . . . . .	20.00
5. For issuing a duplicate certificate of apprenticeship or a duplicate certificate of qualification . . . . .	60.00
6. For examination leading to the initial issuing of a certificate of apprenticeship, for examination leading to the initial issuing of a certificate of qualification or for examination leading to the initial issuing of both a certificate of apprenticeship and a certificate of qualification . . . . .	100.00
7. For re-examination leading to the initial issuing of a certificate of apprenticeship, for re-examination leading to the initial issuing of a certificate of qualification or for re-examination leading to the initial issuing of both a certificate of apprenticeship and a certificate of qualification . . . . .	100.00

(2) Where application is made for renewal of a certificate of qualification on or before the expiry date of the certificate, the date of renewal shall be the anniversary of the date of the initial issuance of the certificate that immediately follows the making of the application for renewal.

(3) Where application is made for renewal of a certificate of qualification after the expiry date of the certificate, the date of renewal shall be the anniversary of the date of the initial issuance of the certificate that immediately precedes the making of the application for renewal.

(4) Paragraph 4 of subsection (1) does not apply where the application for renewal is made on or before December 31, 1998.

**RÈGLEMENT DE L'ONTARIO 193/98**  
pris en application de la  
**LOI SUR LA QUALIFICATION PROFESSIONNELLE**  
**ET L'APPRENTISSAGE DES GENS DE MÉTIER**

pris le 6 mai 1998  
déposé le 8 mai 1998

modifiant le Règl. 1055 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Le Règlement 1055 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. L'article 27 du Règlement 1055 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

**27. (1) Les droits à acquitter en vertu du présent règlement sont les suivants :**

1. Pour l'enregistrement d'un contrat d'apprentissage . . . . .	40,00 \$
2. Pour la délivrance d'un premier certificat de qualification professionnelle sans examen . . . . .	60,00
3. Pour le renouvellement d'un certificat de qualification professionnelle, à l'exclusion de celui auquel s'applique la disposition 4 . . . . .	60,00
4. Pour le renouvellement d'un certificat de qualification professionnelle qui a expiré depuis plus d'un an . . . . .	160,00
plus	
Pour chaque année complète suivant l'expiration du certificat de qualification professionnelle . . . . .	20,00
5. Pour la délivrance d'un double du certificat d'apprentissage ou du certificat de qualification professionnelle . . . . .	60,00
6. Pour l'examen sanctionné par la délivrance d'un premier certificat d'apprentissage, pour l'examen sanctionné par la délivrance d'un premier certificat de qualification professionnelle ou pour l'examen sanctionné par la délivrance à la fois d'un premier certificat d'apprentissage et d'un premier certificat de qualification professionnelle . . . . .	100,00
7. Pour l'examen de reprise sanctionné par la délivrance d'un premier certificat d'apprentissage, pour l'examen de reprise sanctionné par la délivrance d'un premier certificat de qualification professionnelle ou pour l'examen de reprise sanctionné par la délivrance à la fois d'un premier certificat d'apprentissage et d'un premier certificat de qualification professionnelle . . . . .	100,00

(2) Si la demande de renouvellement du certificat de qualification professionnelle est présentée à la date d'expiration du certificat ou avant cette date, la date de renouvellement est l'anniversaire de la date de délivrance du premier certificat qui suit la présentation de la demande de renouvellement.

(3) Si la demande de renouvellement du certificat de qualification professionnelle est présentée après la date d'expiration du certificat, la date de renouvellement est l'anniversaire de la date de délivrance du premier certificat qui précède la présentation de la demande de renouvellement.

(4) La disposition 4 du paragraphe (1) ne s'applique pas aux demandes de renouvellement qui sont présentées le 31 décembre 1998 ou avant cette date.

**ONTARIO REGULATION 194/98**  
made under the  
**TENANT PROTECTION ACT, 1997**

Made: April 22, 1998  
Filed: May 8, 1998

**GENERAL**

**PART I  
DEFINITIONS**

1. Expressions used in the Act are defined as follows:

1. In the definition of "municipal taxes and charges" in subsection 1 (1) of the Act, "taxes charged to a landlord by a municipality" includes taxes levied under Division B of Part IX of the *Education Act*.
2. In subsection 54 (1) of the Act, "a person who was a tenant of a rental unit when it became subject to a registered declaration and description under the *Condominium Act*" does not include a person to whom the rental unit is subsequently assigned.
3. In subsection 54 (2) of the Act, "the tenant of the rental unit who was the tenant on the date the agreement of purchase and sale was entered into" does not include a person to whom the rental unit is subsequently assigned.
4. In subsection 54 (5) of the Act, "a tenant who was a tenant on the date of the registration referred to in subsection (1)" does not include a person to whom the rental unit is subsequently assigned.
5. In clause 41 (a), section 78 and subsections 79 (1) and (2) of the Act, "abandoned" does not include the circumstance where the tenant is not in arrears of rent.
6. In clause 77 (1) (b) of the Act, "specified conditions of the order or settlement" include only those conditions in the order or settlement the breach of which give rise to the same reasons for terminating the tenancy under the Act as were claimed in the previous application referred to in clause 77 (1) (a).

2. The following charges are not included in the definition of "municipal taxes and charges" in subsection 1 (1) of the Act:

1. Charges for work, services or non-emergency repairs performed by a municipality in relation to a landlord's non-compliance with a by-law.
2. Penalties, interest, late payment fees and fines.
3. Costs incurred by a municipality under subsection 149 (1) of the Act and administrative fees applied to those costs under subsection 149 (2) of the Act.

**PART II  
EXEMPTIONS**

3. The Act does not apply to living accommodation provided by a non-profit housing co-operative to its members.

4. (1) Subsections 39 (3) and (4) of the Act do not apply to rental units occupied by students of one or more post-secondary educational institutions in a residential complex owned, operated or administered by or on behalf of the post-secondary educational institutions.

(2) Subsections 39 (3) and (4) of the Act do not apply to rental units in a residential complex with respect to which the landlord has entered

**RÈGLEMENT DE L'ONTARIO 194/98**  
pris en application de la  
**LOI DE 1997 SUR LA PROTECTION  
DES LOCATAIRES**

pris le 22 avril 1998  
déposé le 8 mai 1998

**DISPOSITIONS GÉNÉRALES**

**PARTIE I  
DÉFINITIONS**

1. Les expressions ci-après utilisées dans la Loi s'entendent comme suit :

1. Dans la définition de «redevances et impôts municipaux» au paragraphe 1 (1) de la Loi, «impôts qu'une municipalité demande au locataire» inclut les impôts prélevés aux termes de la section B de la partie IX de la *Loi sur l'éducation*.
2. Au paragraphe 54 (1) de la Loi, «quiconque était locataire d'un logement locatif au moment de l'enregistrement» exclut la personne à qui le logement locatif est cédé par la suite.
3. Au paragraphe 54 (2) de la Loi, «locataire du logement qui en était le locataire à la date de conclusion de la convention» exclut la personne à qui le logement locatif est cédé par la suite.
4. Au paragraphe 54 (5) de la Loi, «le locataire qui l'occupait à la date de l'enregistrement visé au paragraphe (1)» exclut la personne à qui le logement locatif est cédé par la suite.
5. À l'alinéa 41 a), à l'article 78 et aux paragraphes 79 (1) et (2) de la Loi, «abandonné» exclut le cas où le locataire ne doit aucun arriéré de loyer.
6. À l'alinéa 77 (1) b) de la Loi, «conditions précisées de l'ordonnance ou du règlement» n'inclut que les conditions de l'ordonnance ou du règlement dont le non-respect donne lieu aux mêmes motifs de résiliation de la location aux termes de la Loi que ceux sur lesquels se fondait la requête antérieure visée à l'alinéa 77 (1) a).

2. Les frais suivants sont exclus de la définition de «redevances et impôts municipaux» au paragraphe 1 (1) de la Loi :

1. Les redevances pour les travaux, les services ou les réparations de nature non urgente qu'effectue une municipalité par suite de la non-conformité d'un locataire à un règlement municipal.
2. Les pénalités, les intérêts, les frais pour paiement tardif et les amendes.
3. Les coûts qu'engage une municipalité en vertu du paragraphe 149 (1) de la Loi et les droits administratifs applicables visés au paragraphe 149 (2) de la Loi.

**PARTIE II  
EXCLUSIONS**

3. La Loi ne s'applique pas aux logements fournis par une coopérative de logement sans but lucratif à ses membres.

4. (1) Les paragraphes 39 (3) et (4) de la Loi ne s'appliquent pas aux logements locatifs qui sont occupés par des étudiants d'un ou de plusieurs établissements d'enseignement postsecondaires et qui sont situés dans un ensemble d'habitation qui est la propriété des établissements en question ou que font fonctionner ou qu'administrent ceux-ci ou quelqu'un d'autre pour leur compte.

(2) Les paragraphes 39 (3) et (4) de la Loi ne s'appliquent pas aux logements locatifs qui sont situés dans l'ensemble d'habitation au sujet

into an agreement with one or more post-secondary educational institutions providing,

- (a) that the landlord, as of the date the agreement is entered into and for the duration of the agreement, rents the rental units which are the subject of the agreement only to students of the institution or institutions;
- (b) that the landlord will comply with the maintenance standards set out in the agreement with respect to the rental units which are the subject of the agreement; and
- (c) that the landlord will not charge a new tenant of a rental unit which is a subject of the agreement a rent which is greater than the lawful rent being charged to the former tenant plus the guideline.

(3) The maintenance standards set out in the agreement and referred to in clause (2) (b) shall not provide for a lower maintenance standard than that required by law.

(4) If the landlord breaches any of clauses (2) (a), (b) and (c), the agreement referred to in subsection (2) is terminated and the exemption provided by subsection (2) no longer applies.

(5) The landlord shall be deemed to have not breached the condition in clause (2) (a) if,

- (a) upon a tenant ceasing to be a student of a post-secondary educational institution that is a party to the agreement with the landlord, the landlord takes action to terminate the tenancy in accordance with an agreement with the tenant to terminate the tenancy or a notice of termination given by the tenant; or

- (b) a tenant sublets the rental unit to a person who is not a student of a post-secondary educational institution that is a party to the agreement with the landlord.

(6) Either party to an agreement referred to in subsection (2) may terminate the agreement on at least 90 days written notice to the other party and, upon the termination of the agreement, the exemption provided by subsection (2) no longer applies.

5. Subsections 54 (1) and (2) of the Act do not apply to a residential complex the first rental unit in which is first rented on or after July 10, 1986, if all or part of the residential complex becomes subject to a registered declaration and description under the *Condominium Act* on or before the later of,

- (a) the second anniversary of the day on which the first rental unit was first rented; and
- (b) the second anniversary of the day that section 54 of the Act comes into force.

### PART III CARE HOMES

6. (1) The following services are included in the definition of "care services" in subsection 1 (1) of the Act:

1. Nursing care.
2. Administration and supervision of medication prescribed by a medical doctor.
3. Assistance with feeding.
4. Bathing assistance.
5. Incontinence care.
6. Dressing assistance.
7. Assistance with personal hygiene.
8. Ambulatory assistance.

duquel le locateur a conclu avec un ou plusieurs établissements d'enseignement postsecondaires une convention prévoyant ce qui suit :

- a) dès la date de conclusion de la convention et pour la durée de celle-ci, le locateur louera les logements locatifs qui font l'objet de la convention uniquement aux étudiants de l'établissement ou des établissements;
- b) le locateur se conformera aux normes d'entretien énoncées dans la convention à l'égard des logements locatifs qui font l'objet de la convention;
- c) le locateur ne demandera pas au nouveau locataire d'un logement locatif qui fait l'objet de la convention un loyer supérieur au loyer légal qui était demandé à l'ancien locataire, majoré du taux légal.

(3) Les normes d'entretien énoncées dans la convention et visées à l'alinéa (2) b) ne doivent pas être inférieures aux normes légales.

(4) Si le locateur manque aux obligations prévues à l'alinéa (2) a), b) ou c), la convention visée au paragraphe (2) est résiliée et l'exclusion prévue à ce même paragraphe cesse de s'appliquer.

(5) Le locateur est réputé ne pas avoir manqué à l'obligation prévue à l'alinéa (2) a) si, selon le cas :

- a) dès qu'un locataire cesse d'être un étudiant d'un établissement d'enseignement postsecondaire qui est partie à la convention conclue avec le locateur ce dernier prend les mesures nécessaires pour résilier la location conformément à la convention conclue à cet effet avec le locataire ou à l'avis de résiliation que lui a donné le locataire;
- b) un locataire sous-loue le logement locatif à une personne qui n'est pas un étudiant d'un établissement d'enseignement postsecondaire qui est partie à la convention conclue avec le locateur.

(6) Une partie à la convention visée au paragraphe (2) peut résilier celle-ci en donnant à l'autre partie un préavis écrit d'au moins 90 jours. L'exclusion prévue au paragraphe (2) cesse de s'appliquer au moment de la résiliation de la convention.

5. Les paragraphes 54 (1) et (2) de la Loi ne s'appliquent pas à l'ensemble d'habitation dont le premier logement locatif est loué pour la première fois le 10 juillet 1986 ou après cette date si tout ou partie de l'ensemble devient assujéti à une déclaration et description enregistrée en vertu de la *Loi sur les condominiums* au plus tard le dernier en date des jours suivants :

- a) le deuxième anniversaire du jour où le premier logement locatif a été loué pour la première fois;
- b) le deuxième anniversaire du jour de l'entrée en vigueur de l'article 54 de la Loi.

### PARTIE III MAISONS DE SOINS

6. (1) Les services suivants sont inclus dans la définition de «services en matière de soins» au paragraphe 1 (1) de la Loi :

1. Les soins infirmiers.
2. L'administration de médicaments prescrits par un médecin et sa surveillance.
3. L'aide à la prise des repas.
4. L'aide pour le bain.
5. Les soins aux incontinents.
6. L'aide à l'habillage.
7. L'aide pour l'hygiène personnelle.
8. L'aide à la marche.

#### 9. Personal emergency response services.

(2) The following services are included in the definition of "care services" in subsection 1 (1) of the Act if they are provided along with any service set out in subsection (1):

1. Recreational or social activities.
2. Housekeeping.
3. Laundry services.
4. Assistance with transportation.

7. The information package referred to in section 92 of the Act must contain the following information:

1. List of the different types of accommodation provided and the alternative packages of care services and meals available as part of the total charge.
2. Charges for the different types of accommodation and for the alternative packages of care services and meals.
3. Minimum staffing levels and qualifications of staff.
4. Details of the emergency response system, if any, or a statement that there is no emergency response system.
5. List and fee schedule of the additional services and meals available from the landlord on a user pay basis.
6. Internal procedures, if any, for dealing with complaints, including a statement as to whether tenants have any right of appeal from an initial decision, or a statement that there is no internal procedure for dealing with complaints.

8. (1) One or more rental units that form part of a residential complex are care homes for the purpose of the definition of "care home" in subsection 1 (1) of the Act if the rental units are occupied or intended to be occupied by persons for the purpose of receiving care services, whether or not receiving the care services is the primary purpose of the occupancy.

(2) A rental unit described in subsection (1) is a care home for the purpose of the definition of "care home" in subsection 1 (1) of the Act even if a third party rents the rental unit from the landlord and provides or arranges to provide both the rental unit and care services to the tenant.

### PART IV MOBILE HOMES

9. For the purpose of section 114 of the Act, the prescribed amount is the greatest of,

- (a) \$50 per month;
- (b) an amount equal to the difference between the last lawful rent charged and the maximum rent, as determined under subsection 135 (2) of the Act, which the landlord would have been able to take as a rent increase prior to the first anniversary of the commencement of the new tenancy had the former tenant remained the tenant; and
- (c) the amount, including the guideline, that the landlord would have been entitled to take as a rent increase under an order under subsection 138 (6) or (10) of the Act prior to the first anniversary of the commencement of the new tenancy had the former tenant remained the tenant.

10. For the purpose of section 116 of the Act, the definition of "infrastructure work" includes work with respect to fire hydrants and related systems, poles for telephone service, walkways, garbage storage and disposal areas, fencing, retaining walls and flood control systems.

#### 9. Les services personnels d'intervention d'urgence.

(2) Les services suivants sont inclus dans la définition de «services en matière de soins» au paragraphe 1 (1) de la Loi s'ils accompagnent un service mentionné au paragraphe (1) :

1. Les activités récréatives ou sociales.
2. L'entretien ménager.
3. Les services de buanderie.
4. L'aide pour le transport.

7. La trousse d'information visée à l'article 92 de la Loi doit contenir les renseignements suivants :

1. La liste des différents types de logements fournis et des différents blocs de services en matière de soins et de repas qui sont offerts dans le prix total.
2. Le prix des différents types de logements et des différents blocs de services en matière de soins et de repas.
3. Les niveaux minimaux de dotation en personnel et les qualités requises des employés.
4. Des précisions sur les mesures d'intervention d'urgence, s'il y en a un, ou une déclaration portant qu'il n'y en a pas.
5. La liste des autres services et repas payants qu'offre le locateur et le barème des prix.
6. Les modalités internes de règlement des plaintes, s'il y en a, y compris une déclaration dans laquelle on indique si les locataires ont le droit d'appeler d'une première décision, ou une déclaration portant qu'il n'y a pas de telles modalités.

8. (1) Le ou les logements locatifs qui font partie d'un ensemble d'habitation sont des maisons de soins pour l'application de la définition de «maison de soins» au paragraphe 1 (1) de la Loi s'ils sont occupés ou destinés à être occupés pour y recevoir des services en matière de soins, que l'obtention de ces services soit le but premier de l'occupation des lieux ou non.

(2) Le logement locatif visé au paragraphe (1) est une maison de soins pour l'application de la définition de «maison de soins» au paragraphe 1 (1) de la Loi même si un tiers loue le logement du locateur et fournit ou prend des dispositions pour fournir à la fois celui-ci et des services en matière de soins au locataire.

### PARTIE IV MAISONS MOBILES

9. Pour l'application de l'article 114 de la Loi, le montant prescrit est le plus élevé des montants suivants :

- a) 50 \$ par mois;
- b) un montant correspondant à la différence entre le dernier loyer légal demandé et le loyer maximal, établi aux termes du paragraphe 135 (2) de la Loi, que le locateur aurait pu toucher sous forme d'augmentation de loyer avant le premier anniversaire du début de la nouvelle location si l'ancien locataire était demeuré le locataire;
- c) un montant, y compris le taux légal, que le locateur aurait eu le droit de toucher sous forme d'augmentation de loyer par suite d'une ordonnance rendue aux termes du paragraphe 138 (6) ou (10) de la Loi avant le premier anniversaire du début de la nouvelle location si l'ancien locataire était demeuré le locataire.

10. Pour l'application de l'article 116 de la Loi, la définition de «travaux d'infrastructure» inclut les travaux effectués en ce qui concerne les bouches d'incendie et les installations connexes, les poteaux de téléphone, les passages pour piétons, les aires d'entreposage et d'élimination des ordures, les clôtures, les murs de soutènement et les installations de lutte contre les inondations.

## PART V LAWFUL RENT

11. For the purpose of calculating lawful rent under sections 12 and 13,

“rent which is actually charged or to be charged” does not include,

- (a) amounts which cannot be lawfully charged for a reason other than the operation of section 12 or 13;
- (b) rent increases under section 132 of the Act during the 12-month period defined in subsection 12 (3); or
- (c) rent decreases under section 134 of the Act during the 12-month period defined in subsection 12 (3).

12. (1) The following rules are prescribed for calculating the lawful rent which may be charged where a landlord provides a tenant with a discount in rent at the beginning of, or during, a tenancy:

1. The lawful rent for any rental period in the 12-month period shall be calculated in the following manner:
  - i. Add the sum of the rents which are actually charged or to be charged in each of the rental periods in the 12-month period to the eligible discount to be provided to the tenant during the 12-month period.
  - ii. Divide that sum by the number of rental periods in the 12-month period.
  - iii. Add to the amount determined under subparagraph ii any rent increases under section 132 of the Act and subtract from that amount any rent decreases under section 134 of the Act.
2. Despite paragraph 1, where a landlord offers a discount that is not greater than 2 per cent of the rent which could otherwise be lawfully charged for a rental period as an incentive for the prompt payment of rent, the lawful rent shall be the undiscounted rent.
3. Despite paragraph 1, where a landlord offers a discount that is greater than 2 per cent of the rent which could otherwise be lawfully charged for a rental period as an incentive for the prompt payment of rent, the lawful rent shall be calculated by dividing the discounted rent by 0.98.

(2) Where a landlord offers a discount as an incentive for the prompt payment of rent, in addition to any other type of discount, the lawful rent shall be calculated by first applying paragraph 2 or 3 of subsection (1) and then applying paragraph 1 of subsection (1) and in that case, “the rent which is actually charged or to be charged” in paragraph 1 of subsection (1) is the lawful rent as calculated under paragraph 2 or 3 of subsection (1).

(3) For the purpose of paragraph 1 of subsection (1),

“eligible discount” means,

- (a) if provided for in a written tenancy agreement, the discount or the sum of any discounts in rent during the first eight months of the 12-month period, not exceeding the rent for one month, or
- (b) otherwise, the largest discount in rent in one rental period in the 12-month period; (“remise admissible”)

“the 12-month period” means,

- (a) where the tenancy commences on or after the day section 124 of the Act comes into force, the 12-month period following the commencement of the tenancy,

## PARTIE V LOYER LÉGAL

11. La définition qui suit s'applique aux fins du calcul du loyer légal conformément aux articles 12 et 13.

«loyer qui est effectivement demandé ou qui le sera» Ne s'entend pas de ce qui suit :

- a) les montants qui ne peuvent être légitimement demandés autrement que par l'effet de l'article 12 ou 13;
- b) les augmentations de loyer touchées en vertu de l'article 132 de la Loi au cours de la période de 12 mois définie au paragraphe 12 (3);
- c) les réductions de loyer consenties aux termes de l'article 134 de la Loi au cours de la période de 12 mois définie au paragraphe 12 (3).

12. (1) Les règles suivantes sont prescrites aux fins du calcul du loyer légal qui peut être demandé lorsque le locateur consent une remise de loyer au locataire au début ou au cours de la location :

1. Le loyer légal d'une période de location comprise dans la période de 12 mois est calculé comme suit :
  - i. Additionner le total des loyers qui sont effectivement demandés ou qui le seront au cours de chacune des périodes de location comprises dans la période de 12 mois et la remise admissible qui sera consentie au locataire à l'égard de cette période.
  - ii. Diviser le total ainsi obtenu par le nombre de périodes de location comprises dans la période de 12 mois.
  - iii. Ajouter au résultat obtenu aux termes de la sous-disposition ii toute augmentation de loyer touchée en vertu de l'article 132 de la Loi et soustraire toute réduction de loyer consentie aux termes de l'article 134 de la Loi.
2. Malgré la disposition 1, lorsque le locateur encourage le paiement rapide du loyer en consentant une remise qui n'est pas supérieure à 2 pour cent du loyer qu'il pourrait légitimement demander par ailleurs pour une période de location, le loyer légal correspond au loyer avant la remise.
3. Malgré la disposition 1, lorsque le locateur encourage le paiement rapide du loyer en consentant une remise qui est supérieure à 2 pour cent du loyer qu'il pourrait légitimement demander par ailleurs pour une période de location, le loyer légal est calculé en divisant par 0,98 le loyer après la remise.

(2) Lorsque le locateur encourage le paiement rapide du loyer en consentant une remise qui vient s'ajouter à toute autre sorte de remise, le loyer légal est calculé en commençant par appliquer la disposition 2 ou 3 du paragraphe (1) puis en appliquant la disposition 1 du même paragraphe. Dans ce cas, le «loyer qui est effectivement demandé ou qui le sera» à la disposition 1 du paragraphe (1) est le loyer légal calculé aux termes de la disposition 2 ou 3 du même paragraphe.

(3) Les définitions qui suivent s'appliquent pour l'application de la disposition 1 du paragraphe (1).

«période de 12 mois» S'entend de ce qui suit :

- a) lorsque la location débute le jour de l'entrée en vigueur de l'article 124 de la Loi ou après ce jour, la période de 12 mois qui suit le début de la location;
- b) lorsque la location est en cours le jour de l'entrée en vigueur de l'article 124 de la Loi, la période de 12 mois qui suit la première augmentation de loyer touchée après ce jour, à l'exclusion de celle touchée en vertu de l'article 132 de la Loi;
- c) lorsque l'alinéa a) ou b) s'applique, la période de 12 mois qui suit l'augmentation de loyer touchée, le cas échéant, après la période



- (b) where the tenancy exists on the day section 124 of the Act comes into force, the 12-month period following the first rent increase taken after that day, other than a rent increase under section 132 of the Act,
- (c) where clause (a) or (b) applies, the 12-month period following any rent increase taken after the 12-month period described in clause (a) or (b), other than a rent increase taken under section 132 of the Act. ("période de 12 mois")

13. Where the rent a landlord charges for the first rental period of a tenancy is greater than the rent the landlord charges for subsequent rental periods in the 12-month period beginning on the day the tenancy commenced, the lawful rent for each rental period in that 12-month period shall be calculated in the following manner:

1. Add all the rents actually charged or to be charged by the landlord during the 12-month period.
2. Subtract from that sum the rent for the first rental period.
3. Divide the amount determined under paragraph 2 by a number equal to the number of rental periods in the 12-month period minus 1.

14. (1) The following services, facilities, privileges, accommodations or things are prescribed for the purposes of subsection 132 (1) and section 134 of the Act:

1. Cable television.
2. Satellite television.
3. An air conditioner.
4. Extra hydro for an air conditioner.
5. Extra hydro for a washer or dryer in the rental unit.
6. Blockheater plug-ins.
7. Lockers or other storage space.
8. Heat.
9. Hydro.
10. Water or sewage services, excluding capital work.
11. Floor space.
12. Property taxes with respect to a site for a mobile home or a land lease home.

(2) If there is an agreement under subsection 132 (1) or section 134 of the Act, the maximum increase in rent or minimum decrease in rent shall be the actual cost to the landlord of the service, facility, privilege, accommodation or thing (other than floor space) that is the subject of the agreement or, where the actual cost to the landlord cannot be established or where there is no cost to the landlord, a reasonable amount based on the value of the service, facility, privilege, accommodation or thing.

(3) If the agreement under subsection 132 (1) or section 134 of the Act is to provide or cease to provide floor space, the maximum increase in rent or minimum decrease in rent shall be proportionate to the change in floor space.

de 12 mois visée à l'un ou l'autre alinéa, à l'exclusion de celle touchée en vertu de l'article 132 de la Loi. («the 12-month period»)

«remise admissible» S'entend de ce qui suit :

- a) si elle est prévue dans une convention de location écrite, la remise de loyer, ou la somme des remises de loyer, consentie au cours des huit premiers mois de la période de 12 mois, jusqu'à concurrence du loyer d'un mois;
- b) dans les autres cas, la remise de loyer la plus élevée consentie au cours d'une seule période de location comprise dans la période de 12 mois. («eligible discount»)

13. Lorsque le loyer que demande le locateur pour la première période de location d'une location est supérieur à celui qu'il demande pour les périodes de location subséquentes de la période de 12 mois qui commence le premier jour de la location, le loyer légal de chaque période de location comprise dans cette période de 12 mois est calculé comme suit :

1. Additionner tous les loyers que le locateur demande effectivement ou demandera au cours de la période de 12 mois.
2. Soustraire du total ainsi obtenu le loyer de la première période de location.
3. Diviser la somme obtenue aux termes de la disposition 2 par le nombre de périodes de location comprises dans la période de 12 mois, moins 1.

14. (1) Les services, installations, privilèges, commodités ou choses suivants sont prescrits pour l'application du paragraphe 132 (1) et de l'article 134 de la Loi :

1. La câblodistribution.
2. La télévision par satellite.
3. Un climatiseur.
4. L'électricité supplémentaire nécessaire à l'alimentation d'un climatiseur.
5. L'électricité supplémentaire nécessaire à l'alimentation d'une machine à laver ou d'une sècheuse installée dans le logement locatif.
6. Des prises de chauffe-moteur.
7. Des débarras ou autres espaces de rangement.
8. Le chauffage.
9. L'électricité.
10. Les services d'eau et d'égout, à l'exclusion des travaux d'immobilisations.
11. L'aire de plancher.
12. Les impôts fonciers prélevés sur un emplacement réservé à une maison mobile ou une maison à bail foncier.

(2) S'il a été conclu une convention visée au paragraphe 132 (1) ou à l'article 134 de la Loi, l'augmentation maximale ou la réduction minimale du loyer correspond au coût réel qu'engage le locateur pour le service, l'installation, le privilège, la commodité ou la chose (à l'exclusion de l'aire de plancher) qui fait l'objet de la convention ou, si ce coût ne peut être déterminé ou qu'il est nul, à un montant raisonnable établi en fonction de la valeur du service, de l'installation, du privilège, de la commodité ou de la chose.

(3) Si la convention visée au paragraphe 132 (1) ou à l'article 134 de la Loi a pour but de fournir ou de cesser de fournir une aire de plancher, l'augmentation maximale ou la réduction minimale du loyer est proportionnelle au changement dans celle-ci.



(4) Where an amount determined in accordance with subsection (3) would be unreasonable given the nature and quality of the floor space added or taken away, the maximum increase in rent or minimum decrease in rent shall be a reasonable amount based on the nature and quality of the floor space and the amount of the change in the floor space.

(5) Despite subsections (2), (3) and (4), where a service, facility, privilege, accommodation or thing was provided in accordance with a previous agreement under section 132 of the Act, section 46 of the *Rent Control Act, 1992* or subsection 96 (4) of the *Residential Rent Regulation Act*, the minimum decrease in rent on ceasing to provide the service, facility, privilege, accommodation or thing shall be equal to,

- (a) the most recent amount of the separate charge for the service, facility, privilege, accommodation or thing; or
- (b) where there is no separate charge, the increase in rent which the landlord took when the service, facility, privilege, accommodation or thing was first provided, adjusted by the percentage increase in the rent being charged for the rental unit from the date the service, facility, privilege, accommodation or thing was first provided to the date the landlord ceased to provide it.

#### PART VI APPLICATIONS UNDER SECTION 138 OF THE ACT FOR RENT INCREASES ABOVE THE GUIDELINE

##### INTERPRETATION

15. (1) In the Act and in this Part,

“capital expenditure” means an expenditure on a major renovation, repair, replacement or new addition, the expected benefit of which extends for at least one year and may include,

- (a) an expenditure with respect to a leased asset if the lease qualifies under subsection (2), and
- (b) an expenditure which the landlord is required to pay on work undertaken by a municipality, local board or public utility, other than work undertaken because of the landlord's failure to do it; (“dépense en immobilisations”)

“incurred” means, in relation to a capital expenditure,

- (a) the payment in full of the amount of the capital expenditure, other than a holdback withheld under the *Construction Lien Act*,
- (b) if the expenditure relates to a lease, the assumption, when the lease commences, of the obligations under it, or
- (c) if the expenditure relates to work undertaken by a municipality, local board or public utility, when the work is completed; (“engager”)

“physical integrity” means the integrity of all parts of a structure, including the foundation, that support loads or that provide a weather envelope and includes, without restricting the generality of the foregoing, the integrity of,

- (a) the roof, exterior walls, exterior doors and exterior windows,
- (b) elements contiguous with the structure that contribute to the weather envelope of the structure, and

(4) Lorsque le montant déterminé conformément au paragraphe (3) est déraisonnable compte tenu de la nature et de la qualité de l'aire de plancher qui est ajoutée ou retranchée, l'augmentation maximale ou la réduction minimale du loyer correspond à un montant raisonnable fondé sur la nature et la qualité de l'aire de plancher et sur le changement dans celle-ci.

(5) Malgré les paragraphes (2), (3) et (4), lorsqu'un service, une installation, un privilège, une commodité ou une chose était fourni conformément à une convention antérieure conclue aux termes de l'article 132 de la Loi, de l'article 46 de la *Loi de 1992 sur le contrôle des loyers* ou du paragraphe 96 (4) de la *Loi sur la réglementation des loyers d'habitation* et qu'il cesse de l'être, le locateur réduit le loyer d'un montant minimal correspondant à ce qui suit :

- a) le dernier montant de la charge distincte pour le service, l'installation, le privilège, la commodité ou la chose;
- b) en l'absence de charge distincte, l'augmentation de loyer que le locateur a touchée lorsque le service, l'installation, le privilège, la commodité ou la chose a été fourni pour la première fois, rajustée selon le pourcentage de l'augmentation du loyer qui a été demandé pour le logement locatif de la date à laquelle le service, l'installation, le privilège, la commodité ou la chose a été fourni pour la première fois à la date à laquelle le locateur a cessé de le fournir.

#### PARTIE VI REQUÊTES EN AUGMENTATION DU LOYER D'UN POURCENTAGE SUPÉRIEUR AU TAUX LÉGAL PRÉSENTÉES EN VERTU DE L'ARTICLE 138 DE LA LOI

##### INTERPRÉTATION

15. (1) Les définitions qui suivent s'appliquent à la Loi et à la présente partie.

«dépense en immobilisations» S'entend d'une dépense à l'égard de travaux importants de rénovation, de réparation ou de remplacement ou de nouveaux agrandissements importants dont les avantages escomptés s'étendent sur au moins un an. Peut s'entendre en outre de ce qui suit :

- a) une dépense pour un bien loué à bail si le bail satisfait aux exigences prévues au paragraphe (2);
- b) une dépense que le locateur est tenu de payer à l'égard de travaux entrepris par une municipalité, un conseil local ou un service public, autres que des travaux entrepris parce que le locateur ne l'a pas fait. («capital expenditure»)

«engager» À l'égard d'une dépense en immobilisations, s'entend de ce qui suit :

- a) le paiement intégral du montant de la dépense en immobilisations, autre qu'une retenue effectuée aux termes de la *Loi sur le privilège dans l'industrie de la construction*;
- b) si la dépense a trait à un bail, la prise en charge, à l'entrée en vigueur du bail, des obligations qu'il prévoit;
- c) si la dépense a trait à des travaux entrepris par une municipalité, un conseil local ou un service public, la date d'achèvement des travaux. («incurred»)

«intégrité matérielle» S'entend de l'intégrité de toutes les parties d'une construction, y compris les fondations, qui supportent des charges ou qui constituent une protection contre les intempéries, notamment :

- a) le toit, les murs extérieurs, les portes extérieures et les fenêtres extérieures;
- b) les éléments contigus à la construction qui contribuent à la protection contre les intempéries;

(c) columns, walls and floors that support loads. ("intégrité matérielle")

(2) For the purposes of the definition of "capital expenditure" in subsection (1), a lease qualifies if substantially all the risks and benefits associated with the leased asset are passed to the lessee and, when the lease commences, any one or more of the following is satisfied:

1. The lease provides that the ownership of the asset passes to the lessee at or before the end of the term of the lease.
2. The lease provides that the lessee has an option to purchase the asset at the end of the term of the lease at a price that is less than what the market value of the asset will be at that time.
3. The term of the lease is at least 75 per cent of the useful life of the asset as determined in accordance with section 23.
4. The net present value of the minimum lease payments is at least 90 per cent of the asset's fair market value at the commencement of the lease. The net present value shall be determined using the interest rate determined under subsection 17 (1).

16. (1) In this Part,

"base year" means,

- (a) when determining rent increases due to an extraordinary increase in the cost for municipal taxes and charges, the last completed calendar year immediately preceding the day that is 90 days before the effective date of the first intended rent increase referred to in the application,
- (b) when determining rent increases due to an extraordinary increase in the cost for utilities or due to operating costs related to security services, the annual accounting period of one year in length chosen by the landlord which is most recently completed on or before the day that is 90 days before the effective date of the first intended rent increase referred to in the application; ("année de base")

"local board" means a "local board" as defined in the *Municipal Affairs Act*; ("conseil local")

"reference year" means the 12-month period immediately preceding the base year. ("année de référence")

(2) Despite clause (b) of the definition of "base year" in subsection (1), where an order has previously been issued with respect to the residential complex under section 138 of the Act in which relief was granted for an extraordinary increase in costs for utilities or for operating costs related to security services, the base year shall begin and end on the same days of the year as the base year used in the previous order.

17. (1) The interest rate for the purposes of paragraph 4 of subsection 15 (2) and paragraph 8 of section 22 is the chartered bank administered conventional five-year mortgage interest rate on the last Wednesday of the month before the month in which the application is made, as reported by the Bank of Canada, plus 1 per cent.

(2) The factor for the purposes of subparagraph v of paragraph 5 of section 22, subparagraph iv of paragraph 6 of section 22, subparagraph iii of paragraph 1 of subsection 24 (1), subparagraph iii of paragraph 2 of subsection 24 (1), paragraph 2 of subsection 24 (2) and subparagraph ii of paragraph 1 of section 25 is determined by dividing the number of rental units in the residential complex which are subject to the application and are affected by the capital expenditure item or operating cost by the number of rental units in the residential complex which are affected by the capital expenditure item or operating cost.

(c) les colonnes, les murs et les planchers qui supportent des charges. («physical integrity»)

(2) Pour l'application de la définition de «dépense en immobilisations» au paragraphe (1), un bail satisfait aux exigences si, pour l'essentiel, tous les risques et avantages rattachés au bien loué à bail sont transmis au preneur à bail et que, à l'entrée en vigueur du bail, une ou plusieurs des conditions suivantes sont remplies :

1. Le bail prévoit que la propriété du bien est transmise au preneur à bail au plus tard à l'expiration du bail.
2. Le bail prévoit que le preneur à bail a l'option d'acheter le bien à l'expiration du bail à un prix inférieur à ce que sera sa valeur marchande à ce moment-là.
3. La durée du bail s'étend sur au moins 75 pour cent de la durée de vie utile du bien, déterminée conformément à l'article 23.
4. La valeur actuelle nette des paiements minimaux exigibles en vertu du bail correspond à au moins 90 pour cent de la juste valeur marchande du bien à l'entrée en vigueur du bail. La valeur actuelle nette est calculée au moyen du taux d'intérêt déterminé aux termes du paragraphe 17 (1).

16. (1) Les définitions qui suivent s'appliquent à la présente partie.

«année de base» S'entend de ce qui suit :

- a) lorsqu'il s'agit de calculer les augmentations de loyer fondées sur une augmentation extraordinaire des frais à l'égard des redevances et impôts municipaux, la dernière année civile révolue avant le jour qui se situe 90 jours avant la date d'effet de la première augmentation de loyer proposée que vise la requête;
- b) lorsqu'il s'agit de calculer les augmentations de loyer fondées sur une augmentation extraordinaire des frais à l'égard des services d'utilité publique ou sur les frais d'exploitation relatifs aux services de sécurité, la dernière période comptable annuelle d'un an choisie par le locateur qui est révolue le jour qui se situe au plus tard 90 jours avant la date d'effet de la première augmentation de loyer que vise la requête. («base year»)

«année de référence» Période de 12 mois qui précède immédiatement l'année de base. («reference year»)

«conseil local» S'entend au sens de la *Loi sur les affaires municipales*. («local board»)

(2) Malgré l'alinéa b) de la définition de «année de base» au paragraphe (1), lorsqu'une ordonnance rendue antérieurement aux termes de l'article 138 de la Loi à l'égard de l'ensemble d'habitation a accordé un redressement dans le cas d'une augmentation extraordinaire des frais à l'égard des services d'utilité publique ou des frais d'exploitation relatifs aux services de sécurité, l'année de base couvre la même période de l'année que celle de l'année de base utilisée dans l'ordonnance antérieure.

17. (1) Le taux d'intérêt pour l'application de la disposition 4 du paragraphe 15 (2) et de la disposition 8 de l'article 22 est le taux d'intérêt administré par les banques à charte pour une hypothèque ordinaire de cinq ans le dernier mercredi du mois qui précède celui où la requête est présentée, tel qu'il est, signalé par la Banque du Canada, majoré de 1 pour cent.

(2) Le facteur pour l'application de la sous-disposition v de la disposition 5 de l'article 22, de la sous-disposition iv de la disposition 6 de l'article 22, de la sous-disposition iii de la disposition 1 du paragraphe 24 (1), de la sous-disposition iii de la disposition 2 du paragraphe 24 (1), de la disposition 2 du paragraphe 24 (2) et de la sous-disposition ii de la disposition 1 de l'article 25 est calculé en divisant le nombre de logements locatifs de l'ensemble d'habitation qui font l'objet de la requête et qui sont touchés par la dépense en immobilisations ou les frais d'exploitation par le nombre de logements locatifs de l'ensemble d'habitation qui sont touchés par la dépense en immobilisations ou les frais d'exploitation.

## MATERIAL TO BE FILED WITH APPLICATION

18. An application under section 138 of the Act must be accompanied by the following material:

1. If the application is based on an extraordinary increase in the cost for municipal taxes and charges or utilities or both, evidence of the costs for the base year and the reference year, and evidence of payment of those costs.
2. If the application is based on capital expenditures incurred, evidence of all costs and payments for the amounts claimed for capital work, including any information regarding grants and assistance from any level of government and insurance, resale, salvage and trade-in proceeds.
3. If the application is based on operating costs related to security services, evidence of the costs claimed in the application for the base year and the reference year, and evidence of payment of those costs.

## GENERAL RULES FOR MAKING FINDINGS

19. In determining the amount of any capital expenditures or the amount of operating costs in an application under section 138 of the Act, the Tribunal shall,

- (a) include any goods and services tax and provincial sales tax paid by the landlord in respect of the capital expenditures or operating costs;
- (b) exclude any penalties, interest or other similar charges for late payment of any amount paid by the landlord in respect of the capital expenditures or operating costs;
- (c) exclude any amount that has already been included in calculating the amount of a capital expenditure or operating cost in the same application or for which the landlord has obtained relief in a previous order under the Act or under the *Rent Control Act, 1992*.

20. (1) Where a residential complex forms part of a larger project, the operating costs for the project and the amount of capital expenditures which benefit both the residential complex and the other parts of the project shall be allocated between the residential complex and the other parts of the project in accordance with one or more of the following factors:

1. The area of each part of the project.
2. The market value of each part of the project.
3. The revenue generated by each part of the project.

(2) If the allocation of operating costs and capital expenditures in accordance with subsection (1) would be unreasonable considering how much of the costs and expenditures are attributable to each part of the project, the operating costs and capital expenditures shall be allocated among the parts of the project in reasonable proportions according to how much of the costs and expenditures are attributable to each part of the project.

21. (1) If the landlord incurs a cost arising out of a transaction that is not an arm's length transaction, the Tribunal shall consider only that part of the landlord's cost that is less than or equal to the costs that would arise from a similar market transaction.

(2) In this section,

"arm's length" means the persons involved are not related persons; ("sans lien de dépendance")

"control" means direct or indirect ownership or control either alone or with a related person of,

## PIÈCES À DÉPOSER AVEC LA REQUÊTE

18. Les pièces suivantes sont déposées avec les requêtes présentées en vertu de l'article 138 de la Loi :

1. Si la requête est fondée sur une augmentation extraordinaire des frais à l'égard des redevances et impôts municipaux ou des services d'utilité publique, ou des deux, une preuve des frais pour l'année de base et l'année de référence et une preuve du paiement de ces frais.
2. Si la requête est fondée sur des dépenses en immobilisations, une preuve de tous les frais et paiements qui se rapportent aux sommes réclamées à l'égard de travaux d'immobilisations, y compris des renseignements sur toute subvention ou autre aide de quelque palier de gouvernement que ce soit ou tout produit d'une assurance, d'une revente, d'une récupération ou d'une reprise.
3. Si la requête est fondée sur des frais d'exploitation relatifs aux services de sécurité, une preuve des frais réclamés dans la requête pour l'année de base et l'année de référence et une preuve du paiement de ces frais.

## RÈGLES GÉNÉRALES POUR CE QUI EST D'ÉMETTRE DES CONCLUSIONS

19. Lorsqu'il détermine le montant d'une dépense en immobilisations ou le montant de frais d'exploitation par suite d'une requête présentée en vertu de l'article 138 de la Loi, le Tribunal fait ce qui suit :

- a) il inclut la taxe sur les produits et services et la taxe de vente provinciale payées par le locateur à l'égard de la dépense en immobilisations ou des frais d'exploitation;
- b) il exclut les pénalités, intérêts et charges semblables pour le paiement tardif de sommes payées par le locateur à l'égard de la dépense en immobilisations ou des frais d'exploitation;
- c) il exclut toute somme qui a déjà été incluse dans le calcul du montant d'une dépense en immobilisations ou de frais d'exploitation dans la même requête ou pour laquelle le locateur a obtenu un redressement dans une ordonnance antérieure rendue aux termes de la Loi ou de la *Loi de 1992 sur le contrôle des loyers*.

20. (1) Lorsque l'ensemble d'habitation fait partie d'un grand ensemble, les frais d'exploitation du grand ensemble et le montant des dépenses en immobilisations dont bénéficient à la fois l'ensemble d'habitation et les autres parties du grand ensemble sont répartis entre l'ensemble d'habitation et les autres parties selon un ou plusieurs des facteurs suivants :

1. La surface de chaque partie du grand ensemble.
2. La valeur marchande de chaque partie du grand ensemble.
3. Les recettes provenant de chaque partie du grand ensemble.

(2) Si leur répartition, conformément au paragraphe (1), était déraisonnable compte tenu de la fraction attribuable à chaque partie du grand ensemble, les frais d'exploitation et les dépenses en immobilisations sont répartis entre les parties de celui-ci dans des proportions raisonnables en fonction de la fraction attribuable à chacune d'elles.

21. (1) Si le locateur engage des frais par suite d'une opération qui n'est pas une opération sans lien de dépendance, le Tribunal ne tient compte que de la partie des frais qui est inférieure ou égale à ceux qui découleraient d'une opération semblable sur le marché.

(2) Les définitions qui suivent s'appliquent au présent article.

«contrôle» La propriété ou le contrôle, directs ou indirects, à titre individuel ou avec une personne liée :

- a) soit de plus de 50 pour cent du capital-actions émis d'une personne morale comportant plein droit de vote en toutes circonstances;

- (a) more than 50 per cent of the issued share capital of a corporation having full voting rights under all circumstances, or
- (b) issued and outstanding share capital of a corporation in an amount that permits or may permit the person to direct the management and policies of the corporation; ("contrôle")

"family", in relation to a person, means,

- (a) the person's spouse,
- (b) the parents or other ancestors or the children or other descendants of the person or the person's spouse,
- (c) the brothers and sisters of the person or the person's spouse, and the children and other descendants of those brothers and sisters,
- (d) the aunts and uncles of the person and the person's spouse and the children and other descendants of those aunts and uncles,
- (e) the spouses of the person's sons and daughters; ("famille")

"related person", where used to indicate a relationship with any person, includes,

- (a) a member of the family of such person,
- (b) an employer or employee of such person,
- (c) a partner of such person,
- (d) a trust or estate in which such person has a beneficial interest,
- (e) a trust or estate in which such person serves as a trustee or in a similar capacity,
- (f) a trust or estate in which persons related to such person, as otherwise determined under this definition, have a beneficial interest,
- (g) a corporation controlled by such person,
- (h) a corporation controlled by such person and persons related to such person, or
- (i) a corporation controlled by a person related to such person; ("personne liée")

"similar market transactions" means arm's length transactions that occur or may reasonably be expected to occur under the same or comparable terms and conditions and in the same general geographic location. ("opération semblable sur le marché")

(3) In this section, one corporation is related to another corporation if,

- (a) one of the corporations is controlled by the other corporation;
- (b) both of the corporations are controlled by the same person or group of related persons each member of which is related to every other member of the group;
- (c) each of the corporations is controlled by one person and the person who controls one of the corporations and the person who controls the other corporation are related persons;
- (d) one of the corporations is controlled by one person and that person is related to any member of a group of related persons that controls the other corporation;
- (e) one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation;

- b) soit d'une fraction du capital-actions émis et en circulation d'une personne morale qui permet ou peut permettre à la personne en question d'orienter la gestion et la politique de la personne morale. («control»)

«famille» À l'égard d'une personne, s'entend de ce qui suit :

- a) son conjoint;
- b) ses père et mère ou autres ascendants ou ses enfants ou autres descendants, ou ceux de son conjoint;
- c) ses frères et sœurs ou ceux de son conjoint et les enfants et autres descendants de ces frères et sœurs;
- d) ses oncles et tantes et ceux de son conjoint et les enfants et autres descendants de ces oncles et tantes;
- e) les conjoints de ses fils et filles. («family»)

«opération semblable sur le marché» Opération sans lien de dépendance qui est réalisée ou qui pourrait l'être selon toute attente raisonnable à des conditions identiques ou comparables dans la même aire géographique. («similar market transactions»)

«personne liée» Lorsque cette expression est utilisée pour indiquer un lien avec une personne, elle s'entend notamment de ce qui suit :

- a) un membre de la famille de cette personne;
- b) un employeur ou un employé de cette personne;
- c) un associé de cette personne;
- d) une fiducie ou une succession dans laquelle cette personne a un intérêt bénéficiaire;
- e) une fiducie ou une succession dans laquelle cette personne agit à titre de fiduciaire ou à un titre semblable;
- f) une fiducie ou une succession dans laquelle des personnes qui ont un lien avec cette personne, déterminé par ailleurs aux termes de la présente définition, ont un intérêt bénéficiaire;
- g) une personne morale contrôlée par cette personne;
- h) une personne morale contrôlée par cette personne et par des personnes qui ont un lien avec elle;
- i) une personne morale contrôlée par une personne qui a un lien avec cette personne. («related person»)

«sans lien de dépendance» Signifie que les personnes en cause ne sont pas des personnes liées. («arm's length»)

(3) Dans le présent article, une personne morale est liée à une autre dans les cas suivants :

- a) une des personnes morales est contrôlée par l'autre;
- b) les deux personnes morales sont contrôlées par la même personne ou par le même groupe de personnes liées dont chaque membre est lié à chaque autre membre du groupe;
- c) chacune des personnes morales est contrôlée par une personne et la personne qui contrôle la première et la personne qui contrôle l'autre sont liées;
- d) une des personnes morales est contrôlée par une personne qui est liée à un membre du groupe de personnes liées qui contrôle l'autre personne morale;
- e) une des personnes morales est contrôlée par une personne qui est liée à chaque membre d'un groupe non lié qui contrôle l'autre personne morale;

- (f) any member of a group of related persons that controls one of the corporations is related to each member of an unrelated group that controls the other corporation; or
- (g) each member of an unrelated group that controls one of the corporations is a related person to at least one member of an unrelated group that controls the other corporation.

#### RULES RE CAPITAL EXPENDITURES

22. The following are prescribed as rules for making findings relating to capital expenditures:

1. A rent increase shall not be ordered in respect of a capital expenditure unless the work was completed during the 18-month period ending 90 days before the effective date of the first intended rent increase referred to in the application.
2. Despite paragraph 1, a rent increase may be ordered in respect of a capital expenditure completed prior to the 18-month period referred to in that paragraph if,
  - i. the work was completed on or after June 25, 1996; and
  - ii. the capital expenditure is the subject of an application made within six months of the day that section 138 of the Act comes into force.
3. The value of the landlord's own labour in carrying out the work involved in the capital expenditure is equal to the amount of time spent multiplied by a rate of pay that is reasonable given the landlord's experience and skill in the type of work done. If the amount of time spent exceeds the amount of time that would be reasonable given the landlord's experience and skill, the latter amount of time shall be used in the calculation of the value of the landlord's own labour. Only that part of the value of the landlord's own labour that does not exceed the amount a person in the business of doing such work would charge shall be considered. The value of the landlord's own labour does not include any amount with respect to the management and administration of the work involved in the capital expenditure.
4. The cost of a leased asset is the fair market value of the leased asset at the commencement of the lease.
5. Subject to paragraph 6, the amount of a capital expenditure is calculated as follows:
  - i. Add the total of the purchase prices, the cost of any leased assets and the installation, renovation and construction costs, other than the value of the landlord's own labour as determined under paragraph 3.
  - ii. Multiply that sum by 1.05 as an allowance for management and administration.
  - iii. Add to the amount determined under subparagraph ii the value of the landlord's own labour, as determined under paragraph 3.
  - iv. Subtract from the amount determined under subparagraph iii any grant or other assistance from any level of government and any insurance, salvage, resale or trade-in proceeds related to the work undertaken or the item purchased.
  - v. Multiply the amount determined under subparagraph iv by the factor determined under subsection 17 (2).
6. The amount of a capital expenditure for furniture or appliances is calculated as follows:

- f) un membre d'un groupe de personnes liées qui contrôle une des personnes morales est lié à chaque membre d'un groupe non lié qui contrôle l'autre personne morale;
- g) chaque membre d'un groupe non lié qui contrôle une des personnes morales est une personne liée à au moins un membre d'un groupe non lié qui contrôle l'autre personne morale.

#### RÈGLES CONCERNANT LES DÉPENSES EN IMMOBILISATIONS

22. Les règles suivantes sont prescrites pour ce qui est d'émettre des conclusions à l'égard des dépenses en immobilisations :

1. Il ne peut être ordonné d'augmentation de loyer fondée sur une dépense en immobilisations que si les travaux ont été achevés au cours de la période de 18 mois se terminant 90 jours avant la date d'effet de la première augmentation de loyer proposée que vise la requête.
2. Malgré la disposition 1, il peut être ordonné une augmentation de loyer fondée sur une dépense en immobilisations même si les travaux ont été achevés avant la période de 18 mois visée à cette disposition si les conditions suivantes sont réunies :
  - i. les travaux ont été achevés le 25 juin 1996 ou après cette date;
  - ii. la dépense en immobilisations fait l'objet d'une requête présentée dans les six mois du jour de l'entrée en vigueur de l'article 138 de la Loi.
3. La valeur du travail du locateur dans l'exécution des travaux dont fait l'objet la dépense en immobilisations correspond au temps passé sur ces travaux multiplié par un taux de rémunération raisonnable compte tenu de l'expérience du locateur dans le type de travaux effectués et de ses compétences en la matière. Si le temps passé dépasse le temps qui serait raisonnable compte tenu de l'expérience et des compétences du locateur, le dernier est utilisé dans le calcul de la valeur du travail du locateur. Il n'est tenu compte que de la partie de cette valeur qui ne dépasse pas le prix que demanderait une personne qui exécute ce genre de travaux contre rémunération. La valeur du travail du locateur ne comprend aucune somme à l'égard de la gestion et de l'administration des travaux dont fait l'objet la dépense en immobilisations.
4. Le coût d'un bien loué à bail correspond à sa juste valeur marchande au moment de l'entrée en vigueur du bail.
5. Sous réserve de la disposition 6, le montant de la dépense en immobilisations est calculé comme suit :
  - i. Additionner les prix d'achat, le coût des biens loués à bail, le cas échéant, et les coûts d'installation, de rénovation et de construction, à l'exclusion de la valeur du travail du locateur déterminée aux termes de la disposition 3.
  - ii. Multiplier le total ainsi obtenu par 1,05 au titre des frais de gestion et d'administration.
  - iii. Ajouter au résultat obtenu aux termes de la sous-disposition ii la valeur du travail du locateur déterminée aux termes de la disposition 3.
  - iv. Soustraire de la somme obtenue aux termes de la sous-disposition iii toute subvention ou autre aide de quelque palier de gouvernement que ce soit et tout produit d'une assurance, d'une revente, d'une récupération ou d'une reprise en ce qui concerne les travaux entrepris ou la chose achetée.
  - v. Multiplier la somme obtenue aux termes de la sous-disposition iv par le facteur déterminé aux termes du paragraphe 17 (2).
6. Le montant de la dépense en immobilisations relative à des meubles ou à des appareils ménagers est calculé comme suit :

- i. Add the total of the purchase prices, the cost of any leased assets and the installation, renovation and construction costs.
  - ii. Add to that sum the value of the landlord's own labour, as determined under paragraph 3.
  - iii. Subtract from the amount determined under subparagraph ii any grant or other assistance from any level of government and any insurance, salvage, resale or trade-in proceeds related to the work undertaken or the item purchased.
  - iv. Multiply the amount determined under subparagraph iii by the factor determined under subsection 17 (2).
7. The allowance for each capital expenditure is the amount of the capital expenditure amortized over the useful life of the work done or the thing purchased, as determined in accordance with section 23, in equal instalments of blended principal and interest.
8. The amortization under paragraph 7 shall be calculated using the interest rate determined under subsection 17 (1).
23. (1) The useful life of work done or a thing purchased shall be determined from the Schedule subject to the following rules:
1. If, when a thing is purchased, it has previously been used, the useful life of the thing shall be determined taking into account the length of time of that previous use.
  2. If the work done or thing purchased does not appear in the Schedule, the useful life of the work or thing shall be determined with reference to items with similar characteristics that do appear in the Schedule.
- (2) If the useful life of work done or a thing purchased cannot be determined under subsection (1) because the work or thing does not appear in the Schedule and no item with similar characteristics appears in the Schedule, the useful life of the work or thing shall be what is generally accepted as the useful life of such work or thing.

#### RULES RE OPERATING COSTS

24. (1) The following are prescribed as rules for making findings related to extraordinary increases in the cost for municipal taxes and charges or utilities or both:
1. Subject to subsection (2), the amount of the allowance for an extraordinary increase in the cost for municipal taxes and charges is calculated as follows:
    - i. Adjust the reference year costs for municipal taxes and charges by the three-year moving average for municipal taxes and charges set out in the Table referred to in section 129 of the Act for the calendar year in which the effective date of the first intended rent increase referred to in the application falls.
    - ii. Subtract the amount determined in subparagraph i from the base year costs for municipal taxes and charges.
    - iii. Multiply the amount determined in subparagraph ii by the factor determined under subsection 17 (2).
  2. The amount of the allowance for an extraordinary increase in the cost for utilities shall be calculated as follows:

- i. Additionner les prix d'achat, le coût des biens loués à bail, le cas échéant, et les coûts d'installation, de rénovation et de construction.
  - ii. Ajouter au total ainsi obtenu la valeur du travail du locateur déterminée aux termes de la disposition 3.
  - iii. Soustraire de la somme obtenue aux termes de la sous-disposition ii toute subvention ou autre aide de quelque palier de gouvernement que ce soit et tout produit d'une assurance, d'une revente, d'une récupération ou d'une reprise en ce qui concerne les travaux entrepris ou la chose achetée.
  - iv. Multiplier la somme obtenue aux termes de la sous-disposition iii par le facteur déterminé aux termes du paragraphe 17 (2).
7. Le montant reconnu à l'égard de chaque dépense en immobilisations est le montant de la dépense amorti sur la durée de vie utile, déterminée conformément à l'article 23, des travaux effectués ou de la chose achetée, en versements uniformes de capital et d'intérêts réunis.
8. L'amortissement prévu à la disposition 7 est calculé au taux d'intérêt déterminé aux termes du paragraphe 17 (1).
23. (1) La durée de vie utile de travaux effectués ou d'une chose achetée est déterminée au moyen de l'annexe sous réserve des règles suivantes :
1. Si une chose, à l'achat, a déjà été utilisée, sa durée de vie utile est déterminée en tenant compte de sa durée d'utilisation préalable.
  2. Si les travaux effectués ou la chose achetée ne figurent pas à l'annexe, leur durée de vie utile est déterminée par comparaison aux articles y figurant qui ont des caractéristiques semblables.
- (2) Si la durée de vie utile de travaux effectués ou d'une chose achetée ne peut être déterminée aux termes du paragraphe (1) parce que les travaux ou la chose ne figurent pas à l'annexe et qu'aucun article ayant des caractéristiques semblables n'y figure non plus, la durée de vie utile des travaux ou de la chose correspond à la durée généralement admise comme durée de vie utile de ces travaux ou de cette chose.

#### RÈGLES CONCERNANT LES FRAIS D'EXPLOITATION

24. (1) Les règles suivantes sont prescrites pour ce qui est d'émettre des conclusions à l'égard des augmentations extraordinaires des frais à l'égard des redevances et impôts municipaux ou des services d'utilité publique, ou des deux :
1. Sous réserve du paragraphe (2), le montant reconnu à l'égard d'une augmentation extraordinaire des frais à l'égard des redevances et impôts municipaux est calculé comme suit :
    - i. Rajuster les frais pour l'année de référence pour la catégorie de frais d'exploitation que sont les redevances et impôts municipaux selon la moyenne mobile de trois ans énoncée dans le barème visé à l'article 129 de la Loi pour l'année civile dans laquelle doit prendre effet la première augmentation de loyer proposée que vise la requête.
    - ii. Soustraire la somme obtenue aux termes de la sous-disposition i des frais pour l'année de base à l'égard des redevances et impôts municipaux.
    - iii. Multiplier la somme obtenue aux termes de la sous-disposition ii par le facteur déterminé aux termes du paragraphe 17 (2).
  2. Le montant reconnu à l'égard d'une augmentation extraordinaire des frais à l'égard des services d'utilité publique est calculé comme suit :



- i. Adjust the reference year costs for each of heat, hydro and water by the three-year moving averages for the operating cost categories of heat, hydro and water set out in the Table referred to in section 129 of the Act for the calendar year in which the effective date of the first intended rent increase referred to in the application falls.
- ii. Subtract the amount determined in subparagraph i for heat from the base year costs for heat and do the same for hydro and water.
- iii. Multiply the amount determined in subparagraph ii for heat by the factor for heat determined under subsection 17 (2) and do the same for hydro and water.
- iv. Add together the amounts determined under subparagraph iii.

(2) Where the three-year moving average for the operating cost category of municipal taxes and charges set out in the Table referred to in section 129 of the Act is negative, the amount of the allowance for an extraordinary increase in the cost for municipal taxes and charges shall be calculated as follows:

1. Subtract the costs for the reference year from the costs for the base year.
2. Multiply the amount determined under paragraph 1 by the factor determined under subsection 17 (2).

**25.** The following is prescribed as a rule for making findings respecting operating costs related to security services:

1. The amount of the allowance for operating costs related to security services shall be calculated as follows:
  - i. Subtract the operating costs for security services in the reference year from the operating costs for security services in the base year.
  - ii. Multiply the amount determined under subparagraph i by the factor determined under subsection 17 (2).

#### CALCULATION OF THE RENT INCREASE

**26.** (1) Subject to subsection (2) and subsection 138 (9) of the Act, the percentage rent increase above the guideline for each rental unit which is the subject of the application shall be calculated in the following manner:

1. Divide the amount of each allowance determined under sections 22, 24 and 25 by the total rents for the rental units subject to the application which are affected by the capital expenditure or operating cost.
2. Multiply the amount determined under paragraph 1 by 100.
3. Add together the amounts determined under paragraph 2 for each allowance where the rental unit is affected by the capital expenditure or operating cost.

(2) If the apportionment of an allowance in accordance with paragraph 1 of subsection (1) would be unreasonable in the circumstances, the Tribunal may use another method which better reflects how the rental units which are subject to the application are affected by the subject matter of the allowance.

#### WHEN THE RENT INCREASE MAY BE TAKEN

**27.** (1) Subject to section 28, where the Tribunal orders a rent increase for a rental unit under subsection 138 (6) of the Act, that rent increase may only be taken within 12 months of the first intended rent

- i. Rajuster les frais pour l'année de référence pour les catégories de frais d'exploitation que sont le chauffage, l'électricité et l'eau selon la moyenne mobile de trois ans de chacune de ces catégories énoncée dans le barème visé à l'article 129 de la Loi pour l'année civile dans laquelle doit prendre effet la première augmentation de loyer proposée que vise la requête.
- ii. Soustraire la somme obtenue aux termes de la sous-disposition i pour le chauffage des coûts de chauffage de l'année de base, et répéter l'opération pour l'électricité et l'eau.
- iii. Multiplier la somme obtenue aux termes de la sous-disposition ii pour le chauffage par le facteur correspondant déterminé aux termes du paragraphe 17 (2), et répéter l'opération pour l'électricité et l'eau.
- iv. Additionner les sommes obtenues aux termes de la sous-disposition iii.

(2) Lorsque la moyenne mobile de trois ans de la catégorie de frais d'exploitation que sont les redevances et impôts municipaux énoncée dans le barème visé à l'article 129 de la Loi est négative, le montant reconnu à l'égard d'une augmentation extraordinaire des frais à l'égard des redevances et impôts municipaux est calculé comme suit :

1. Soustraire les frais pour l'année de référence de ceux pour l'année de base.
2. Multiplier la somme obtenue aux termes de la disposition 1 par le facteur déterminé aux termes du paragraphe 17 (2).

**25.** La règle suivante est prescrite pour ce qui est d'émettre des conclusions concernant les frais d'exploitation relatifs aux services de sécurité :

1. Le montant reconnu à l'égard des frais d'exploitation relatifs aux services de sécurité est calculé comme suit :
  - i. Soustraire les frais d'exploitation relatifs aux services de sécurité pour l'année de référence de ceux pour l'année de base.
  - ii. Multiplier la somme obtenue aux termes de la sous-disposition i par le facteur déterminé aux termes du paragraphe 17 (2).

#### CALCUL DE L'AUGMENTATION DE LOYER

**26.** (1) Sous réserve du paragraphe (2) et du paragraphe 138 (9) de la Loi, le pourcentage de l'augmentation de loyer au-delà du taux légal de chaque logement locatif qui fait l'objet de la requête est calculé comme suit :

1. Diviser chaque montant reconnu calculé aux termes des articles 22, 24 et 25 par le total des loyers des logements locatifs qui font l'objet de la requête et qui sont touchés par les dépenses en immobilisations ou les frais d'exploitation.
2. Multiplier les sommes obtenues aux termes de la disposition 1 par 100.
3. Additionner les sommes obtenues aux termes de la disposition 2 pour chaque montant reconnu à l'égard des logements locatifs qui sont touchés par les dépenses en immobilisations ou les frais d'exploitation.

(2) Si la répartition d'un montant reconnu faite conformément à la disposition 1 du paragraphe (1) est déraisonnable dans les circonstances, le Tribunal peut utiliser une autre méthode qui reflète mieux l'impact de l'objet du montant reconnu sur les logements locatifs qui font l'objet de la requête.

#### DÉLAI IMPARTI POUR TOUCHER L'AUGMENTATION DE LOYER

**27.** (1) Sous réserve de l'article 28, lorsque le Tribunal ordonne une augmentation du loyer d'un logement locatif aux termes du paragraphe 138 (6) de la Loi, celle-ci ne peut être touchée que dans les 12 mois

increase referred to in the application for a rental unit in the residential complex.

(2) Subject to section 28, the rent increases ordered under subsection 138 (10) of the Act may only be taken during the subsequent 12-month periods which begin and end on the same days of the year as the 12-month period referred to in subsection (1).

28. (1) If an order with respect to a rental unit that increases the lawful rent is made under section 138 of the Act with respect to capital expenditures or operating costs for security services before the time for taking any rent increases under one or more previous orders has expired, the landlord may annually increase the lawful rent being charged by no more than the guideline rent increase plus 4 per cent of the previous lawful rent, until such time as no rent increase with respect to capital expenditures or operating costs related to security services ordered under section 138 of the Act remains to be taken.

(2) Where a landlord fails to take a rent increase in accordance with subsection (1) in any 12-month period in which the landlord was entitled to take such a rent increase, the landlord may not take that rent increase in any subsequent time period.

(3) Where a landlord takes a rent increase in accordance with subsection (1) which is less than the amount the landlord was entitled to take, the landlord may not take the amount of the rent increase which the landlord failed to take in any subsequent time period.

(4) This section does not prevent a landlord from increasing the rent charged by more than 4 per cent of the previous lawful rent charged with respect to an extraordinary increase in the cost for municipal taxes and charges or utilities or both in accordance with an order under subsection 138 (6) of the Act.

#### **PART VII APPLICATIONS TO TRIBUNAL BY TENANT RESPECTING ILLEGAL CHARGES OR FOR REDUCTION IN RENT**

29. The following payments are exempt from the operation of section 140 of the Act:

1. Payment for additional keys or cards requested by the tenant, not greater than the direct costs.
2. Payment for replacement keys or cards, not greater than the direct replacement costs, unless the replacement keys or cards are required because the landlord, on the landlord's initiative, changed the locks.
3. Payment of a refundable key or card deposit, not greater than the expected direct replacement costs.
4. Payment of NSF charges charged by a financial institution to the landlord.
5. Payment of an administration charge, not greater than \$20, for an NSF cheque.
6. Payment by a tenant or subtenant in settlement of a court action or potential court action or an application or potential application to the Tribunal.
7. Payment to a landlord or tenant of a mobile home park or land lease community at the commencement of a tenancy as consideration for the rental of a particular site.
8. Payment of a charge not exceeding \$250 for transferring between rental units in a residential complex described in paragraph 1, 2 or 3 of subsection 5 (1) of the Act, where the transfer was requested by the tenant.

de la première augmentation de loyer proposée que vise la requête à l'égard d'un logement locatif de l'ensemble d'habitation.

(2) Sous réserve de l'article 28, les augmentations de loyer ordonnées aux termes du paragraphe 138 (10) de la Loi ne peuvent être touchées que dans les périodes de 12 mois subséquentes qui couvrent la même période de l'année que la période de 12 mois visée au paragraphe (1).

28. (1) Si une ordonnance qui augmente le loyer légal d'un logement locatif est rendue aux termes de l'article 138 de la Loi à l'égard des dépenses en immobilisations ou des frais d'exploitation relatifs à des services de sécurité avant l'expiration du délai imparti pour toucher une augmentation de loyer autorisée par une ou plusieurs ordonnances antérieures, le locateur peut chaque année augmenter le loyer légal demandé d'un pourcentage qui ne dépasse pas l'augmentation de loyer au-delà du taux légal plus 4 pour cent du loyer légal précédent jusqu'à ce qu'il ait touché toutes les augmentations de loyer à l'égard des dépenses en immobilisations ou des frais d'exploitation relatifs à des services de sécurité ordonnées aux termes de l'article 138 de la Loi.

(2) Le locateur qui ne touche pas l'augmentation de loyer prévue au paragraphe (1) au cours de toute période de 12 mois pendant laquelle il a le droit de le faire ne peut toucher celle-ci au cours d'une période subséquente.

(3) Le locateur qui touche conformément au paragraphe (1) une augmentation de loyer qui est inférieure à ce qu'il a le droit de toucher ne peut toucher, au cours d'une période subséquente, la tranche de l'augmentation de loyer qu'il n'a pas touchée.

(4) Le présent article n'a pas pour effet d'empêcher le locateur d'augmenter le loyer demandé de plus de 4 pour cent du loyer légal précédent demandé à l'égard d'une augmentation extraordinaire des frais à l'égard des redevances et impôts municipaux ou des services d'utilité publique, ou des deux, conformément à une ordonnance rendue aux termes du paragraphe 138 (6) de la Loi.

#### **PARTIE VII REQUÊTES EN RÉDUCTION DE LOYER ET POUR CHARGES ILLÉGALES PRÉSENTÉES AU TRIBUNAL PAR LE LOCATAIRE**

29. Les paiements suivants sont soustraits à l'application de l'article 140 de la Loi :

1. Les paiements pour des clés ou des cartes-clés additionnelles demandées par le locataire, jusqu'à concurrence de leur coût direct.
2. Les paiements pour le remplacement de clés ou de cartes-clés, jusqu'à concurrence du coût direct du remplacement, sauf celles qui sont remplacées parce que le locateur a changé les serrures de sa propre initiative.
3. Le paiement d'un dépôt remboursable pour des clés ou des cartes-clés, jusqu'à concurrence du coût direct prévu de leur remplacement.
4. Le paiement des frais pour un chèque sans provision qu'un établissement financier exige du locateur.
5. Le paiement des frais d'administration pour un chèque sans provision, jusqu'à concurrence de 20 \$.
6. Les paiements faits par un locataire ou sous-locataire en règlement d'une action en justice, réelle ou éventuelle, ou d'une requête, réelle ou éventuelle, présentée au Tribunal.
7. Les paiements faits au locateur ou au locataire d'un parc de maisons mobiles ou d'une zone résidentielle à baux fonciers au début de la location en contrepartie de la location d'un emplacement particulier.
8. Le paiement des frais à acquitter, jusqu'à concurrence de 250 \$, pour passer d'un logement locatif à un autre d'un ensemble d'habitation visé à la disposition 1, 2 ou 3 du paragraphe 5 (1) de la Loi, lorsque le changement se fait à la demande du locataire.



9. Payment of an amount to reimburse the landlord for property taxes paid by the landlord with respect to a mobile home or a land lease home owned by the tenant.

30. (1) The provisions of this section are prescribed as rules for making findings relating to a reduction of the rent charged under section 142 of the Act, based on a discontinuance or reduction in services or facilities.

(2) If a service or facility is discontinued, the rent shall be reduced by an amount that is equal to what would be a reasonable charge for the service or facility based on the cost of the service or facility to the landlord or, if the cost cannot be determined or if there is no cost, on the value of the service or facility.

(3) Despite subsection (2), where a service or facility was previously provided under an agreement under section 132 of the Act, section 46 of the *Rent Control Act, 1992* or subsection 96 (4) of the *Residential Rent Regulation Act*, the reduction in rent on discontinuing the service or facility shall be equal to,

- (a) the most recent amount of the separate charge for the service or facility; or
- (b) where there is no separate charge, the increase in rent which the landlord took when the service or facility was first provided, adjusted by the percentage increase in rent being charged for the rental unit from the date the service or facility was first provided to the date the landlord discontinued the service or facility.

(4) If a service or facility is reduced, the amount of the reduction of rent shall be a reasonable proportion, based on the degree of the reduction of the service or facility, of the amount determined under subsection (2) or (3).

(5) If the discontinuance or reduction is temporary and its duration is reasonable, taking into account the effect on the tenant, there shall be no reduction of rent.

31. (1) In this section,

“base year” means the last completed calendar year immediately preceding the day on which an application under section 143 of the Act is filed with the Tribunal; (“année de base”)

“reference year” means the calendar year immediately preceding the base year. (“année de référence”)

(2) The following is prescribed as a rule for making findings on an application for a reduction in rent due to a reduction in the municipal taxes and charges for the residential complex:

- 1. The amount of the allowance is the amount by which the costs for the reference year exceed the costs for the base year.

(3) The percentage rent decrease for a rental unit which is subject to an application under section 143 of the Act shall be calculated in the following manner:

- 1. Divide the amount of the allowance determined under subsection (2) by the total of the annual rents for the rental units in the residential complex.
- 2. Multiply the amount determined under paragraph 1 by 100.

(4) Where the landlord or the tenant does not prove the total of the annual rents for the rental units in the residential complex, the percentage rent decrease shall be calculated in the following manner:

- 1. Divide the amount of the allowance determined under subsection (2) by the reference year costs.

9. Le paiement au locateur d'une somme en remboursement des impôts fonciers qu'il a payés à l'égard d'une maison mobile ou d'une maison à bail foncier qui appartient au locataire.

30. (1) Les dispositions du présent article sont prescrites comme règles pour ce qui est d'émettre des conclusions concernant la réduction du loyer demandé en vertu de l'article 142 de la Loi fondée sur l'interruption ou la réduction des services ou des installations.

(2) Si un service ou une installation est interrompu, le loyer est réduit d'un montant correspondant à ce que constituerait une charge raisonnable pour le service ou l'installation pour le locateur, d'après son coût ou, s'il ne peut être déterminé ou s'il est nul, d'après sa valeur.

(3) Malgré le paragraphe (2), lorsqu'un service ou une installation était fourni antérieurement aux termes d'une convention visée à l'article 132 de la Loi, à l'article 46 de la *Loi de 1992 sur le contrôle des loyers* ou au paragraphe 96 (4) de la *Loi sur la réglementation des loyers d'habitation* et qu'il ne l'est plus, le locateur réduit le loyer d'un montant correspondant à ce qui suit :

- a) le dernier montant de la charge distincte pour le service ou l'installation;
- b) en l'absence d'une telle charge, l'augmentation de loyer qu'il a touchée lorsque le service ou l'installation a été fourni pour la première fois, rajustée selon le pourcentage de l'augmentation du loyer qui a été demandé pour le logement locatif de la date à laquelle le service ou l'installation a été fourni pour la première fois à la date à laquelle le locateur a cessé de le fournir.

(4) Si un service ou une installation est réduit, le montant de la réduction du loyer correspond à une fraction raisonnable, fondée sur l'importance de la réduction du service ou de l'installation, du montant déterminé aux termes du paragraphe (2) ou (3).

(5) Si l'interruption ou la réduction est temporaire et d'une durée raisonnable, compte tenu de son effet sur le locataire, le loyer ne doit pas être réduit.

31. (1) Les définitions qui suivent s'appliquent au présent article.

«année de base» La dernière année civile révolue avant le jour où une requête est déposée auprès du Tribunal en vertu de l'article 143 de la Loi. («base year»)

«année de référence» L'année civile qui précède immédiatement l'année de base. («reference year»)

(2) La règle qui suit est prescrite pour ce qui est d'émettre des conclusions concernant une requête en réduction de loyer fondée sur la réduction des redevances et impôts municipaux prélevés sur l'ensemble d'habitation :

- 1. Le montant reconnu correspond à l'excédent des frais pour l'année de référence sur ceux pour l'année de base.

(3) Le pourcentage de la réduction du loyer de chaque logement locatif qui fait l'objet d'une requête déposée en vertu de l'article 143 de la Loi est calculé comme suit :

- 1. Diviser le montant reconnu obtenu aux termes du paragraphe (2) par le total des loyers annuels des logements locatifs de l'ensemble d'habitation.
- 2. Multiplier la somme obtenue aux termes de la disposition 1 par 100.

(4) Lorsque le locateur ou le locataire ne fait pas la preuve du total des loyers annuels des logements locatifs de l'ensemble d'habitation, le pourcentage de la réduction du loyer est calculé comme suit :

- 1. Diviser le montant reconnu obtenu aux termes du paragraphe (2) par les frais de l'année de référence.

2. Multiply the amount determined under paragraph 1 by 20.

(5) A rent reduction order made under section 143 of the Act takes effect on the first day of the first rental period that commences on or after the date the application was filed with the Tribunal.

32. Sections 19, 20 and 21 apply with necessary modifications to an application to the Tribunal by a tenant under section 142 or 143 of the Act.

### PART VIII

#### TRIBUNAL—ADMINISTRATION AND POWERS

33. Employees of the Tribunal shall be appointed under the *Public Service Act*.

34. (1) The Tribunal may establish bank accounts in the name of the Tribunal into which it may place money paid into the Tribunal.

(2) The Tribunal may invest money paid into the Tribunal in investments in which the Minister of Finance may invest public money under section 3 of the *Financial Administration Act*.

(3) The Tribunal may employ a trust corporation to make the investments or to act as a custodian of the securities purchased as investments.

(4) Money paid into the Tribunal shall bear interest at the rate of 0.25 per cent per year, compounded semi-annually.

35. An application to the Tribunal must be accompanied by the following information:

1. If the application is with respect to a notice of termination on any ground, a copy of the notice of termination and a certificate of service of the notice of termination, if notice was given by the landlord.
2. If the application is with respect to a notice of termination for demolition, conversion or repair, in addition to the information required by paragraph 1, evidence, where required, that the landlord paid the necessary compensation required under section 55 or 57 of the Act or found acceptable alternative accommodation for the tenant.
3. If the application is with respect to a notice of termination due to a second contravention in six months, in addition to the information required by paragraph 1, a copy of the original notice of termination and a copy of the certificate of service of the original notice of termination.
4. If the application is made under section 76 of the Act with respect to an agreement to terminate the tenancy, a copy of the agreement.
5. If the application is with respect to a review of a work order under section 156 of the Act, a copy of the work order.

36. The following are time requirements under the Act that the Tribunal may not extend or shorten:

1. All time requirements related to notice requirements for terminating tenancies.
2. All deadlines for filing applications (other than those which the Tribunal is expressly permitted to extend or shorten under subsection 176 (1) of the Act).
3. The seven-day period referred to in clause 17 (4) (d) of the Act.
4. The 24-hour notice required under subsection 21 (1) of the Act.
5. The 30-day period referred to in subsection 44 (1) of the Act.
6. The 30-day period referred to in subsection 49 (1) of the Act.

2. Multiplier la somme obtenue aux termes de la disposition 1 par 20.

(5) Une ordonnance de réduction de loyer rendue aux termes de l'article 143 de la Loi prend effet le premier jour de la première période de location qui commence le jour du dépôt de la requête auprès du Tribunal ou après ce jour.

32. Les articles 19, 20 et 21 s'appliquent, avec les adaptations nécessaires, à la requête que le locataire dépose auprès du Tribunal en vertu de l'article 142 ou 143 de la Loi.

### PARTIE VIII

#### TRIBUNAL — ADMINISTRATION ET POUVOIRS

33. Les employés du Tribunal sont nommés aux termes de la *Loi sur la fonction publique*.

34. (1) Le Tribunal peut ouvrir, sous son nom, des comptes bancaires pour y déposer les sommes qui lui sont consignées.

(2) Le Tribunal peut placer les sommes qui lui sont consignées dans les placements de deniers publics que le ministre des Finances est autorisé à faire en vertu de l'article 3 de la *Loi sur l'administration financière*.

(3) Le Tribunal peut retenir les services d'une société de fiducie pour faire les placements ou pour agir à titre de dépositaire des valeurs mobilières qu'il achète à des fins de placement.

(4) Les sommes consignées au Tribunal portent intérêt au taux annuel de 0,25 pour cent, composé semestriellement.

35. Les renseignements suivants doivent accompagner les requêtes déposées auprès du Tribunal :

1. Si la requête concerne un avis de résiliation donné par le locateur, quel qu'en soit le motif, une copie de l'avis de résiliation et le certificat de signification de celui-ci.
2. Si la requête concerne un avis de résiliation pour cause de démolition, d'affectation à un autre usage ou de réparations, outre les renseignements exigés par la disposition 1, une preuve, lorsqu'elle est exigée, que le locateur a versé au locataire l'indemnité prévue à l'article 55 ou 57 de la Loi ou lui a trouvé un autre logement acceptable.
3. Si la requête concerne un avis de résiliation par suite d'une deuxième contravention en six mois, outre les renseignements exigés par la disposition 1, une copie de l'avis de résiliation initial et du certificat de signification de celui-ci.
4. Si la requête est déposée en vertu de l'article 76 de la Loi à l'égard d'une convention de résiliation de la location, une copie de la convention.
5. Si la requête concerne la révision d'un ordre d'exécution de travaux prévue à l'article 156 de la Loi, une copie de cet ordre.

36. Les délais suivants sont les délais impartis aux termes de la Loi que le Tribunal ne peut ni proroger ni raccourcir :

1. Les délais applicables aux avis exigés pour la résiliation d'une location.
2. Les délais pour le dépôt d'une requête (sauf ceux que le Tribunal est expressément autorisé à proroger ou raccourcir en vertu du paragraphe 176 (1) de la Loi).
3. La période de sept jours visée à l'alinéa 17 (4) d) de la Loi.
4. Le préavis de 24 heures exigé par le paragraphe 21 (1) de la Loi.
5. La période de 30 jours visée au paragraphe 44 (1) de la Loi.
6. La période de 30 jours visée au paragraphe 49 (1) de la Loi.

7. The six-month periods referred to in subsections 50 (3) and (4), 79 (7) and 111 (4) and (5) of the Act.
8. The period, described in subsections 76 (5) and 83 (1) of the Act, during which an eviction order is not effective.
9. The five-day period in which a tenancy agreement may be cancelled, as provided in section 93 of the Act.
10. The five-day period in which an agreement to increase the rent charged may be cancelled, as provided in subsection 130 (4) of the Act.
11. The 90-day notice period required by sections 101 and 127 of the Act.
12. The 60-day period referred to in subsection 125 (3) of the Act.
13. The 12-month period referred to in subsection 126 (1) of the Act.
14. The six-day period referred to in subsection 130 (5) of the Act.
15. The one-year period after which rent and rent increases shall be deemed to be lawful under subsections 141 (1) and (2) of the Act.

#### PART IX MISCELLANEOUS

37. The following federal or provincial programs are prescribed for the purpose of paragraph 2 of subsection 5 (1) of the Act:

1. JobsOntario Homes.
2. The Ontario Non-Profit Housing Program (P-3000).
3. The Ontario Non-Profit Housing Program (P-3600).
4. The Ontario Non-Profit Housing Program (P-10,000).
5. Homes Now.
6. Federal/Provincial Non-Profit Housing Program (1986-1993).
7. Municipal Non-Profit Housing Program (1978-1985).
8. Municipal Assisted Housing Program (MTHCL).
9. Federal Non-Profit Housing Program (1948-1985).
10. Urban Native Rental Housing Program—pre-1986.
11. Urban Native Rental Housing Program—post-1986.
12. Rural and Native Housing Program.

38. (1) The prescribed date for the purpose of subsection 54 (3) of the Act is July 10, 1986.

(2) The prescribed date for the purpose of subsection 54 (4) of the Act is the date that section 54 of the Act comes into force.

39. For the purpose of section 199 of the Act, the allowed amount of a contingency fee charged by an agent of a landlord or tenant is 10 per cent of the amount that has been or may be recovered, gained or saved, in whole or in part, over a one-year period, through the efforts of the agent.

40. This Regulation comes into force on the day that section 208 of the Act comes into force.

7. Les périodes de six mois visées aux paragraphes 50 (3) et (4), 79 (7) et 111 (4) et (5) de la Loi.
8. La période, visée aux paragraphes 76 (5) et 83 (1) de la Loi, pendant laquelle une ordonnance d'éviction ne peut prendre effet.
9. La période de cinq jours pendant laquelle une convention de location peut être annulée, comme le prévoit l'article 93 de la Loi.
10. La période de cinq jours pendant laquelle une convention en vue d'augmenter le loyer demandé peut être annulée, comme le prévoit le paragraphe 130 (4) de la Loi.
11. Le préavis de 90 jours exigé par les articles 101 et 127 de la Loi.
12. La période de 60 jours visée au paragraphe 125 (3) de la Loi.
13. La période de 12 mois visée au paragraphe 126 (1) de la Loi.
14. La période de six jours visée au paragraphe 130 (5) de la Loi.
15. La période d'un an après laquelle le loyer et l'augmentation de loyer sont réputés légaux aux termes des paragraphes 141 (1) et (2) de la Loi.

#### PARTIE IX DISPOSITIONS DIVERSES

37. Les programmes fédéraux ou provinciaux suivants sont prescrits pour l'application de la disposition 2 du paragraphe 5 (1) de la Loi :

1. BoulotOntario Logement.
2. Programme ontarien de logements à but non lucratif (P 3000).
3. Programme ontarien de logements à but non lucratif (P 3600).
4. Programme ontarien de logements à but non lucratif (P 10000).
5. Maisons pour de bon.
6. Programme fédéral-provincial de logements à but non lucratif (1986-1993).
7. Programme de logements sans but lucratif des municipalités (1978-1985).
8. Programme de logements subventionnés (MTHCL).
9. Programme fédéral de logement sans but lucratif (1948-1985).
10. Programme de logement pour Autochtones en milieu urbain — avant 1986.
11. Programme de logement pour Autochtones en milieu urbain — après 1986.
12. Programme de logement pour les ruraux et les Autochtones.

38. (1) La date prescrite pour l'application du paragraphe 54 (3) de la Loi est le 10 juillet 1986.

(2) La date prescrite pour l'application du paragraphe 54 (4) de la Loi est la date d'entrée en vigueur de l'article 54 de la Loi.

39. Pour l'application de l'article 199 de la Loi, le montant des honoraires conditionnels que peut demander le représentant d'un locateur ou d'un locataire correspond à 10 pour cent du montant qui a été ou peut être, en tout ou en partie, recouvré, obtenu ou épargné sur une période d'un an grâce à ses efforts.

40. Le présent règlement entre en vigueur le même jour que l'article 208 de la Loi.

## Schedule

Useful life of work done or thing purchased

COLUMN 1	COLUMN 2
Work done or thing purchased	Useful life in years
<b>SITework</b>	
1. Fences	
i. Concrete	20
ii. Steel, Chain Link	15
iii. Metal, Wrought Iron	25
iv. Wood	15
2. Landscaping	
i. Dead Tree Removal	20
ii. New Trees	20
iii. Shrub Replacement	15
iv. Sodding	10
3. Parking Lot, Driveways and Walkways	
i. Asphalt	15
ii. Concrete	15
iii. Gravel	10
iv. Interlocking Brick	20
v. Repairs	5
<b>CONCRETE</b>	
1. Curbs and Patio Slabs	15
2. Foundation Walls	20
3. Garage Concrete Floor (Slab) and Rebar Repairs	10
4. Retaining Walls	25
5. Stairs and porches	10
6. Balcony Slabs	10
<b>MASONRY</b>	
1. Chimney	
i. Masonry (Brick, Block)	20
ii. Metalbestos Type	15
iii. Repairs, Masonry	15
2. Masonry	
i. Repairs, Tuck Pointing	15
ii. Replacement	20
3. Sandblasting	25
<b>METALS</b>	
1. Balcony Railings, Steel	15
<b>WOOD AND PLASTICS</b>	
1. Balcony Railings, Wood	10
2. Decks and Porches	20
3. Retaining Walls, Wood	15
<b>THERMAL AND MOISTURE PROTECTION</b>	
1. Caulking	10

## Annexe

Durée de vie utile de travaux effectués ou de choses achetées

COLONNE 1	COLONNE 2
Travail effectué ou chose achetée	Durée de vie utile en année
<b>AMÉNAGEMENT DE TERRAIN</b>	
1. Clôtures	
i. Béton	20
ii. Acier, mailles de chaîne	15
iii. Métal, fer forgé	25
iv. Bois	15
2. Aménagement paysager	
i. Enlèvement d'arbres morts	20
ii. Nouveaux arbres	20
iii. Remplacement d'arbrisseaux	15
iv. Placage de gazon	10
3. Stationnement, entrées, allées	
i. Asphalte	15
ii. Béton	15
iii. Gravier	10
iv. Dalles imbriquées	20
v. Réparations	5
<b>BÉTON</b>	
1. Bordures et dalles de patio	15
2. Murs de fondation	20
3. Plancher de garage en béton (dalles) et réparation des barres d'armature	10
4. Murs de soutènement	25
5. Escaliers et porches	10
6. Dalles de balcon	10
<b>MAÇONNERIE</b>	
1. Cheminée	
i. Maçonnerie (brique, bloc)	20
ii. Amiante	15
iii. Réparation de la maçonnerie	15
2. Maçonnerie	
i. Réparations, insertion de jointoiment	15
ii. Remplacement	20
3. Décapage au sable	25
<b>MÉTAUX</b>	
1. Balustrades de balcon en acier	15
<b>BOIS ET PLASTIQUES</b>	
1. Balustrades de balcon en bois	10
2. Terrasses et porches	20
3. Murs de soutènement en bois	15
<b>PROTECTION THERMIQUE ET PROTECTION CONTRE L'HUMIDITÉ</b>	
1. Calféutrage	10

2. Eavestrough and Downpipes	
i. Aluminium, Plastic	15
ii. Galvanized	20
3. Garage Conc. Floor, Waterproofing	
i. Membrane	15
ii. Sealer	5
4. Insulation	20
5. Metal Flashing	
i. Aluminium	25
ii. Galvanized, Painted	15
iii. Steel, Prefinished	10
6. Roof	
i. Cedar Shakes	25
ii. Clay Tiles	25
iii. Built Up	15
iv. Inverted four-ply	20
v. Metal Panels	25
vi. Sarnafil	25
vii. Single ply	20
viii. Slate	25
ix. Sloped (Asphalt Shingles)	15
x. Repairs	5
7. Siding	
i. Asphalt Shingles	15
ii. Cedar	25
iii. Cedar Shakes	25
iv. Insulated Panel, Aluminium	25
v. Steel	25
vi. Masonite	20
vii. Plywood	10
viii. Stucco	20
8. Soffits and Fascia	
i. Aluminium	25
ii. Gypsum	15
iii. Plywood	20
iv. Pre-finished Steel	25
v. Vinyl	25
vi. Wood	15
9. Waterproofing, Above Ground	15
<b>DOORS AND WINDOWS</b>	
1. Aluminium Storm Doors and Windows	15
2. Doors	
i. Aluminium, Steel	20
ii. Patio	20
iii. Wood	20

2. Gouttière et tuyaux de descente	
i. Aluminium, plastique	15
ii. Galvanisés	20
3. Imperméabilisation du plancher de garage en béton	
i. Membrane	15
ii. Imperméabilisateur	5
4. Isolation	20
5. Solins métalliques	
i. Aluminium	25
ii. Galvanisés, peints	15
iii. Acier préfini	10
6. Toit	
i. Bardeaux de fente en cèdre	25
ii. Tuiles en terre cuite	25
iii. Multicouche	15
iv. Quatre plis inversés	20
v. Panneaux métalliques	25
vi. Panneaux tôleés	25
vii. Unicouche	20
viii. Ardoise	25
ix. Incliné (bardeaux d'asphalte)	15
x. Réparations	5
7. Parement	
i. Bardeaux d'asphalte	15
ii. Cèdre	25
iii. Bardes de fente en cèdre	25
iv. Panneaux isolés, aluminium	25
v. Acier	25
vi. Masonite	20
vii. Contreplaqué	10
viii. Stuc	20
8. Soffites et bordures	
i. Aluminium	25
ii. Gypse	15
iii. Contreplaqué	20
iv. Acier préfini	25
v. Vinyle	25
vi. Bois	15
9. Imperméabilisation au-dessus du sol	15
<b>PORTES ET FENÊTRES</b>	
1. Contre-portes et contre-fenêtres en aluminium	15
2. Portes	
i. Aluminium, acier	20
ii. Porte-fenêtre	20
iii. Bois	20

3. Garage Door and Operator	10
4. Lock Replacement, Building	20
5. Window Framing	
i. Aluminium	20
ii. Wood	15
<b>FINISHES</b>	
1. Carpets	
i. Common Areas	10
ii. Ensuite	10
2. Flooring	
i. Asphalt	10
ii. Ceramic Tile	10
iii. Hardwood	20
iv. Linoleum	10
v. Marble	25
vi. Parquet	20
vii. Quarry Tile	10
viii. Restaining	5
ix. Rubber Tiles	20
x. Sanding	5
xi. Vinyl Tile	10
3. Gypsum Board	
i. Repairs	5
ii. Replacement	20
4. Marble Wall Panels	25
5. Mirror Panels	10
6. Painting	
i. Exterior: Walls, Trim, Balconies	5
ii. Interior: Common Areas, Ensuite	10
7. Panelling	20
8. Suspended Ceilings	
i. Fibre	15
ii. Metal	25
9. Wallcovering, Vinyl	10
<b>SPECIALTIES</b>	
1. Bicycle Racks	10
2. Building, Storage/Service	20
3. Lockers	
i. Recreational	15
ii. Storage	15
4. Mailboxes	15
5. Playground Equipment (Swings, etc.)	10
6. Satellite Dish	10
7. Saunas	
i. Heaters	10
ii. Walls	15

3. Porte de garage et ouvre-porte	10
4. Remplacement des serrures, immeuble	20
5. Cadre de fenêtre	
i. Aluminium	20
ii. Bois	15
<b>FINITION</b>	
1. Tapis	
i. Pièces communes	10
ii. Pièces privées	10
2. Plancher	
i. Asphalte	10
ii. Carreaux de céramique	10
iii. Bois franc	20
iv. Linoléum	10
v. Marbre	25
vi. Parquet mosaïque	20
vii. Carreaux de grès cérame	10
viii. Remise en couleurs	5
ix. Carreaux de caoutchouc	20
x. Décapage au sable	5
xi. Carreaux de vinyle	10
3. Placoplâtre	
i. Réparations	5
ii. Remplacement	20
4. Panneaux muraux en marbre	25
5. Panneaux-miroirs	10
6. Peinture	
i. Extérieur : murs, garnitures, balcons	5
ii. Intérieur : pièces communes et privées	10
7. Panneaux	20
8. Plafonds suspendus	
i. Fibre	15
ii. Métal	25
9. Revêtement mural en vinyle	10
<b>ARTICLES PARTICULIERS</b>	
1. Support de bicyclettes	10
2. Locaux d'entreposage, de service	20
3. Rangement	
i. Armoire-vestiaire	15
ii. Débaras	15
4. Boîte aux lettres	15
5. Matériel de terrain de jeux (balançoire, etc.)	10
6. Antenne parabolique	10
7. Sauna	
i. Appareil de chauffage	10
ii. Murs	15

8. Steel Television Antennae	15
9. Swimming Pool	
i. Above Ground	10
ii. Ceramic Tile	15
iii. Concrete	20
iv. Heater	10
v. Painting	5
vi. Pump, Filter	15
vii. Vinyl	15
10. Whirlpool, Jacuzzi	15
<b>EQUIPMENT</b>	
1. Backhoe	10
2. Dehumidifiers	10
3. Floor Polishers	
i. Commercial	15
ii. Domestic	5
4. Front End Loader	10
5. Garbage Bins, Boxes	10
6. Garbage Compactors	15
7. Garbage Disposers	5
8. Garbage Huts	
i. Metal	20
ii. Wood	15
9. Humidifiers	10
10. Incinerator	15
11. Metal Scaffold	20
12. Power Lawnmower	10
13. Snow Blower	10
14. Tractors, Small	10
15. Trucks, Pick-up and Delivery	10
16. Vacuums, Commercial	10
<b>FURNISHINGS</b>	
1. Appliances	
i. Clothes Dryer	15
ii. Dishwasher	10
iii. Microwave	10
iv. Refrigerator	15
v. Stove	15
vi. Washing Machine	15
2. Cabinets, Counters: Bath, Kitchen	25
3. Drapes	10
4. Furniture	
i. Couches	10
ii. Folding Chairs and Tables	10
iii. Office	10
5. Pictures	15
6. Venetian Blinds	10

8. Antenne de télévision en acier	15
9. Piscine	
i. Hors terre	10
ii. Carreaux de céramique	15
iii. Béton	20
iv. Appareil de chauffage	10
v. Peinture	5
vi. Pompe, filtre	15
vii. Vinyle	15
10. Baignoire à remous	15
<b>MATÉRIEL</b>	
1. Pelle rétrocaveuse	10
2. Déshumidificateur	10
3. Polisseuse	
i. Commerciale	15
ii. Domestique	5
4. Chargeuse	10
5. Poubelle, boîte à ordures	10
6. Compacteur de déchets	15
7. Broyeur à déchets	5
8. Cabane à déchets	
i. Métal	20
ii. Bois	15
9. Humidificateur	10
10. Incinérateur	15
11. Échafaudage en métal	20
12. Tondeuse à gazon à moteur	10
13. Souffleuse	10
14. Petit tracteur	10
15. Camionnette de livraison	10
16. Aspirateur commercial	10
<b>AMEUBLEMENT</b>	
1. Appareils ménagers	
i. Sécheuse	15
ii. Lave-vaisselle	10
iii. Four à micro-ondes	10
iv. Réfrigérateur	15
v. Cuisinière	15
vi. Machine à laver	15
2. Armoires, comptoirs : salle de bains, cuisine	25
3. Rideaux	10
4. Meubles	
i. Canapés	10
ii. Chaises et tables pliantes	10
iii. Mobilier de bureau	10
5. Tableaux	15
6. Stores vénitiens	10

CONVEYING SYSTEMS		
1. Elevators		
i. Electrical Controls	15	
ii. Interior Wall Panels	15	
iii. New Installation	20	
iv. Mechanical Retrofit (Cable System)	15	
MECHANICAL		
1. Heating, ventilation and air conditioning		
i. Boilers		
A. Gas Fired Atmospheric	15	
B. Hot Water	15	
C. Insulation	25	
D. Retubing	20	
E. Steam	25	
ii. Central System (air conditioning)	15	
iii. Chiller	25	
iv. Cooling Tower	25	
v. Corridor System	15	
vi. Exhaust and Supply Fans	20	
vii. Fan Coil Units	20	
viii. Furnace		
A. Electric, Forced Air	25	
B. Oil, Gas, Forced Air	25	
C. Oil, Gas, Wall or Floor	20	
ix. Heat Exchanger	15	
x. Heat Pumps	15	
xi. Heating System		
A. Electric	10	
B. Hot Air	15	
C. Hot Water	25	
D. Steam	10	
xii. Hot Water Tanks		
A. Commercial	20	
B. Domestic	25	
xiii. Sanitary Exhaust		
A. Central System	20	
B. Individual System	15	
xiv. Stair Pressurization Fans	20	
xv. Units (Air Conditioners)		
A. Incremental	15	
B. Sleeve, Window	10	
2. Mechanical		
i. Culvert (Metal, Concrete)	25	
ii. Drains, Stacks (Plastic)	20	
iii. Lawn Sprinklers (Underground)	10	

APPAREILS TRANSPORTEURS		
1. Ascenseur		
i. Commandes électriques	15	
ii. Panneaux muraux intérieurs	15	
iii. Nouvelle installation	20	
iv. Rénovation mécanique (système de câbles)	15	
INSTALLATIONS MÉCANIQUES		
1. Chauffage, ventilation et climatisation		
i. Chaudières		
A. Gaz	15	
B. Eau chaude	15	
C. Isolation	25	
D. Nouvelle tuyauterie	20	
E. Vapeur	25	
ii. Système central de climatisation	15	
iii. Refroidisseur d'eau	25	
iv. Tour de réfrigération	25	
v. Système de couloir	15	
vi. Ventilateur d'extraction et de soufflage	20	
vii. Ventilo-convecteur	20	
viii. Générateur d'air chaud		
A. Électrique, air pulsé	25	
B. Mazout, gaz, air pulsé	25	
C. Mazout, gaz, type mural ou calorifère	20	
ix. Échangeur de chaleur	15	
x. Thermopompe	15	
xi. Système de chauffage		
A. Électrique	10	
B. Air chaud	15	
C. Eau chaude	25	
D. Vapeur	10	
xii. Réservoir à eau chaude		
A. Commercial	20	
B. Domestique	25	
xiii. Drainage sanitaire		
A. Système central	20	
B. Système individuel	15	
xiv. Ventilateur de pressurisation d'escalier	20	
xv. Climatiseur individuel		
A. Démarrage progressif	15	
B. Manchon, fenêtre	10	
2. Installations mécaniques		
i. Conduit en métal, en béton	25	
ii. Drains, colonnes en plastique	20	
iii. Arroseur de pelouse souterrain	10	



iv. Plumbing Fixtures	
A. Faucets	10
B. Tubs, Toilets, Sinks	15
v. Pumps	
A. Booster, Circulating	25
B. Fire, Jockey	15
C. Sump	15
vi. Risers	25
vii. Sanitary System	25
viii. Septic Tank and Tile Bed	20
ix. Storm System	25
x. Valves, Access Doors, Fittings, etc.	15
xi. Water Softener	15
xii. Water Treatment	20
xiii. Wells and Water System	20

**ELECTRICAL**

1. Electric Heating Cables (Garage Ramp)	10
2. Emergency Lighting (Battery Operated)	15
3. Emergency System	
i. Lighting	20
ii. Generator	25
4. Fire Extinguishers	10
5. Fire System (Alarms, Smoke Detectors)	15
6. Intercom	15
7. Light Fixtures	
i. Exterior	15
ii. Interior: Common Areas, Ensuite	10
8. Panel and Distribution	15
9. Power Line	25
10. Rewiring	25
11. Street Lighting	15
12. Surveillance System	
i. Cameras	15
ii. Monitors	15
iii. Switchers	15
13. Switches and Splitters	25
14. Temperature Control	
i. Electric	
A. Indoor	15
B. Outdoor	15
ii. Pneumatic	20
15. Transformer	25

iv. Garnitures de plomberie	
A. Robinets	10
B. Baignoires, cuves, toilettes, éviers	15
v. Pompes	
A. Appoint, de circulation	25
B. Incendie, type jockey	15
C. Assèchement	15
vi. Tuyaux de montée	25
vii. Système sanitaire	25
viii. Fosse septique et lit de tuiles	20
ix. Égout pluvial	25
x. Soupapes, portes d'accès, raccords, etc.	15
xi. Adoucisseur d'eau	15
xii. Traitement de l'eau	20
xiii. Puits et système d'adduction d'eau	20

**INSTALLATIONS ÉLECTRIQUES**

1. Câbles chauffants (rampe de garage)	10
2. Éclairage de secours (à piles)	15
3. Système d'urgence	
i. Éclairage	20
ii. Génératrice	25
4. Extincteur d'incendie	10
5. Système de protection contre l'incendie (avertisseur d'incendie, détecteur de fumée)	15
6. Système d'intercommunication	15
7. Appareils d'éclairage	
i. Extérieur	15
ii. Intérieur : pièces communes et privées	10
8. Panneau et distribution	15
9. Ligne électrique	25
10. Recâblage	25
11. Éclairage public	15
12. Système de surveillance	
i. Caméras	15
ii. Moniteurs	15
iii. Aiguilleurs	15
13. Interrupteurs et répartiteurs	25
14. Régulation de température	
i. Électrique	
A. Intérieur	15
B. Extérieur	15
ii. Pneumatique	20
15. Transformateur	25

**ONTARIO REGULATION 195/98**  
made under the  
**TENANT PROTECTION ACT, 1997**

Made: April 22, 1998  
Filed: May 8, 1998

**TABLE OF OPERATING COST CATEGORIES**  
**(FOR SUBSECTIONS 129 (2) AND 138 (2)**  
**OF THE ACT)**

1. The Table referred to in subsections 129 (2) and 138 (2) of the Act is, for 1998, the following:

TABLE FOR 1998

COLUMN 1	COLUMN 2	COLUMN 3
Operating Cost Category	Three-year Moving Average	Weight
Insurance	1.80%	5.01%
Heating	2.87%	16.12%
Hydro	-0.54%	8.81%
Water	2.42%	4.26%
Municipal Taxes and Charges	1.57%	32.75%
Administration	2.06%	16.97%
Maintenance	2.75%	13.79%
Miscellaneous	2.06%	2.29%

2. This Regulation comes into force on the day subsection 129 (2) of the Act comes into force.

21/98

**RÈGLEMENT DE L'ONTARIO 195/98**  
pris en application de la  
**LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES**

pris le 22 avril 1998  
déposé le 8 mai 1998

**BARÈME DES CATÉGORIES DE FRAIS**  
**D'EXPLOITATION (POUR L'APPLICATION DES**  
**PARAGRAPHE 129 (2) ET 138 (2) DE LA LOI)**

1. Le barème visé aux paragraphes 129 (2) et 138 (2) de la Loi est le suivant pour 1998 :

BARÈME POUR 1998

COLONNE 1	COLONNE 2	COLONNE 3
Catégorie de frais d'exploitation	Moyenne mobile de trois ans	Facteur de pondération
Assurance	1,80 %	5,01 %
Chauffage	2,87 %	16,12 %
Électricité	-0,54 %	8,81 %
Eau	2,42 %	4,26 %
Redevances et impôts municipaux	1,57 %	32,75 %
Administration	2,06 %	16,97 %
Entretien	2,75 %	13,79 %
Divers	2,06 %	2,29 %

2. Le présent règlement entre en vigueur le même jour que le paragraphe 129 (2) de la Loi.

**ONTARIO REGULATION 196/98**  
made under the  
**TENANT PROTECTION ACT, 1997**

Made: April 22, 1998  
Filed: May 8, 1998

**SEARCH WARRANT**

1. A search warrant for the purposes of section 204 of the Act shall be in the following form:

**RÈGLEMENT DE L'ONTARIO 196/98**  
pris en application de la  
**LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES**

pris le 22 avril 1998  
déposé le 8 mai 1998

**MANDAT DE PERQUISITION**

1. Le mandat de perquisition pour l'application de l'article 204 de la Loi est rédigé selon la formule suivante :

SEARCH WARRANT UNDER SECTION 204 OF  
THE TENANT PROTECTION ACT, 1997ONTARIO COURT (PROVINCIAL DIVISION)  
PROVINCE OF ONTARIO

To: .....

Whereas, on the information on oath of .....

I am satisfied that there are reasonable grounds to believe that the offence of .....

..... contrary to section ..... of the *Tenant Protection Act, 1997* has been committed and that.....  
(describe evidence to be searched for, including things to be seized, if any)

that there are reasonable grounds to believe will afford evidence of the said offence may be found at .....

.....  
(name or location of building, receptacle or place)of ..... at .....  
(owner) (address)

hereinafter called the premises.

This is therefore to authorize you to enter the premises between the hours of 6:00 a.m. and 9:00 p.m. or .....  
(time warrant to be executed)

check

☐ and to search for the said evidence.

appropriate

box

☐ and to search for the said evidence and to  
seize the following things.....  
(describe things to be seized)

and carry them before me or another Provincial Judge or Justice of the Peace so that they may be dealt with according to the law.

This warrant expires on ....., a day not later than the fifteenth day after its issue.

Issued at .....

this ..... day of .....

.....  
*Provincial Judge or Justice of the Peace*

**MANDAT DE PERQUISITION VISÉ À L'ARTICLE 204 DE  
LA LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES**

COUR DE L'ONTARIO (DIVISION PROVINCIALE)  
PROVINCE DE L'ONTARIO

Destinataire : .....

Attendu que, sur la foi d'une dénonciation faite sous serment par .....

je suis convaincu(e) qu'il existe des motifs raisonnables de croire que l'infraction suivante, à savoir .....

....., a été commise contrairement à l'article ..... de la *Loi de 1997 sur la protection des locataires* et que

.....  
(décrire les preuves qui seront cherchées, y compris les choses qui seront saisies, le cas échéant)

à l'égard desquels il existe des motifs raisonnables de croire qu'ils fourniront des preuves de l'infraction, se trouvent .....

.....  
(nom ou emplacement du bâtiment, du contenant ou du lieu)

de ..... , à .....  
(propriétaire) (adresse)

ci-après appelés les locaux.

Pour ces motifs, la présente vous autorise à entrer dans les locaux entre 6 heures et 21 heures ou .....  
(heure d'exécution du mandat)

cocher

☐ et à chercher les preuves.

la case

appropriée

☐ à chercher les preuves et à saisir les choses suivantes

.....  
(décrire les choses qui seront saisies)

et à les apporter devant moi ou devant un autre juge provincial ou juge de paix afin qu'il en soit disposé conformément à la loi.

Le présent mandat expire le ....., soit pas plus de 15 jours après la date à laquelle il est décerné.

Décerné à .....

le .....

.....  
Juge provincial ou juge de paix

**ONTARIO REGULATION 197/98**  
made under the  
**INDEPENDENT HEALTH FACILITIES ACT**

Made: May 6, 1998  
Filed: May 8, 1998

Amending Reg 649 of R.R.O. 1990  
(Application and Exemptions)

Note: Regulation 649 has not previously been amended.

1. Regulation 649 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:

7. Sections 7 and 8 do not apply to a person who operates a health facility or an independent health facility and who,

(a) on or before March 4, 1998, was not performing bone mineral density analysis using dual-energy X-ray absorptiometry technology at the facility; and

(b) after March 4 1998 but before April 2, 1998, began performing bone mineral density analysis using dual-energy X-ray absorptiometry technology at the facility.

2. This Regulation shall be deemed to have come into force on March 4, 1998.

21/98

**ONTARIO REGULATION 198/98**  
made under the  
**TENANT PROTECTION ACT**

Made: April 22, 1998  
Filed: May 8, 1998

**MAINTENANCE STANDARDS**

**PART I**  
**INTERPRETATION AND APPLICATION**

1. In this Regulation,

"exterior common areas" includes roads, pathways, parking areas, garbage storage areas, grounds for the use of tenants and, in a mobile home park or land lease community, the sites on which homes are situated; ("aires communes extérieures")

"guard" means a barrier, that may or may not have openings through it; ("garde-corps")

"habitable space" means a room or area used or intended to be used for living, sleeping, cooking or eating purposes and includes a wash-room. ("local habitable")

2. (1) This Regulation prescribes the maintenance standards for the purposes of subsection 154 (1) of the Act.

(2) Except as otherwise provided, the landlord shall ensure that the maintenance standards in this Regulation are complied with.

3. All repairs to and maintenance of a rental unit or residential complex shall be carried out in a manner and with the materials that are accepted as good workmanship in the trades concerned.

4. If there is a municipal property standards by-law applicable only to the exterior of residential complexes or rental units, the maintenance standards in this Regulation that relate to the exterior of residential complexes or rental units do not apply to the residential complexes or rental units in the municipality that are subject to the by-law, but the maintenance standards in this Regulation that relate to the interior of residential complexes or rental units do apply to them.

**PART II**  
**STRUCTURAL ELEMENTS**

5. The structural elements in a residential complex shall be maintained in a sound condition so as to be capable of safely sustaining their own weight and any load or force that may normally be imposed.

**RÈGLEMENT DE L'ONTARIO 198/98**  
pris en application de la  
**LOI DE 1997 SUR LA PROTECTION DES LOCATAIRES**

pris le 22 avril 1998  
déposé le 8 mai 1998

**NORMES D'ENTRETIEN**

**PARTIE I**  
**INTERPRÉTATION ET APPLICATION**

1. Les définitions qui suivent s'appliquent au présent règlement.

«aires communes extérieures» S'entend notamment des chemins, des passages, des aires de stationnement, des aires d'entreposage des ordures et des terrains destinés à l'usage des locataires et, dans les parcs de maisons mobiles et les zones résidentielles à baux fonciers, des emplacements sur lesquels les maisons sont installées. («exterior common areas»)

«garde-corps» Parapet, ajouré ou non. («guard»)

«local habitable» Pièce ou lieu où l'on vit, dort, fait la cuisine ou mange, ou qui est destiné à l'une ou l'autre de ces fins. S'entend en outre d'une salle de bains. («habitable space»)

2. (1) Le présent règlement prescrit les normes d'entretien pour l'application du paragraphe 154 (1) de la Loi.

(2) Sauf disposition contraire, le locateur veille à ce que l'on se conforme aux normes d'entretien énoncées dans le présent règlement.

3. La réparation et l'entretien du logement locatif ou de l'ensemble d'habitation doivent être effectués d'une manière dont l'exécution est reconnue dans les métiers concernés comme étant de bonne qualité et avec les matériaux qui sont également reconnus tels.

4. Si un règlement municipal sur les normes foncières s'applique uniquement à l'extérieur des ensembles d'habitation ou des logements locatifs, les normes d'entretien à cet égard qui sont énoncées dans le présent règlement ne s'appliquent pas aux ensembles d'habitation ou aux logements locatifs de la municipalité qui sont assujettis à ce règlement municipal. Toutefois, les normes d'entretien énoncées dans le présent règlement qui concernent l'intérieur des ensembles d'habitation ou des logements locatifs s'appliquent à eux.

**PARTIE II**  
**ÉLÉMENTS DE CHARPENTE**

5. Les éléments de charpente de l'ensemble d'habitation doivent être maintenus en bon état de façon à pouvoir supporter en toute sécurité leur poids ainsi que toute charge à laquelle ils peuvent être ordinairement assujettis ou toute force qui peut ordinairement s'exercer sur eux.

6. (1) Every floor of a basement, cellar or crawl space, and every slab at ground level, foundation wall, wall and roof shall be structurally sound, weathertight and damp-proofed and shall be maintained so as to reasonably protect against deterioration, including that due to weather, fungus, dry rot, rodents, vermin or insects.

(2) The site upon which a residential complex is situated shall be graded and drained to prevent the ponding of water on the surface, the erosion of soil and the entrance of water into a building or structure.

7. (1) Every roof shall be watertight.

(2) The roof and any cornice flashing, fascia, soffit, coping, gutter, rainwater leader, vent or other roof structure,

(a) shall be maintained to properly perform their intended function; and

(b) shall be kept clear of obstructions, hazards and dangerous accumulations of snow and ice.

8. Retaining walls, guards and fences in exterior common areas shall be maintained in a structurally sound condition and free from hazards.

### PART III UTILITIES AND SERVICES

#### PLUMBING

9. (1) Plumbing and drainage systems in a residential complex, and their appurtenances, shall be maintained free from leaks, defects and obstructions and adequately protected from freezing.

(2) A residential complex shall be provided with a means of sewage disposal.

(3) The means of sewage disposal shall be maintained in a good state of repair.

10. (1) Subject to subsections (2), (3) and (4), every rental unit shall contain the following fixtures:

1. A toilet.
2. A kitchen sink.
3. A washbasin.
4. A bathtub or shower.

(2) Subsection (1) does not apply to rental units that share a fixture described in paragraph 1, 2 or 4 of subsection (1) if no more than two rental units share the fixture and access to the fixture from each rental unit is possible without,

- (a) passing through another rental unit;
- (b) travelling along an unheated corridor; or
- (c) travelling outside the building containing the rental units.

(3) Subsection (1) does not apply to a boarding house or lodging house if,

- (a) there is at least one toilet, one washbasin and one bathtub or shower for every five rental units;
- (b) all tenants have access to a kitchen sink; and

6. (1) Le plancher de sous-sol, de cave ou de vide sanitaire, la dalle au niveau du sol, les murs de fondation, les murs et le toit doivent être solidement charpentés, résistants aux intempéries et étanchéifiés à l'humidité et doivent être entretenus de façon à résister raisonnablement à la détérioration, notamment la détérioration causée par les conditions météorologiques, les champignons, la pourriture sèche, les rongeurs, la vermine ou les insectes.

(2) L'emplacement sur lequel se trouve l'ensemble d'habitation doit être nivelé et drainé de façon à empêcher la formation de flaques d'eau à la surface, l'érosion du sol et l'infiltration d'eau dans un immeuble ou une construction.

7. (1) Le toit doit être étanche.

(2) Le toit ainsi que les solins de corniche, la bordure de toit, le soffit, le couronnement, les gouttières, les descentes pluviales, les orifices de ventilation ou les autres pièces de la charpente du toit :

- a) d'une part, doivent être entretenus de façon à remplir la fonction à laquelle ils sont destinés;
- b) d'autre part, ne doivent pas être obstrués, ni présenter de danger, ni être recouverts d'accumulations dangereuses de neige ou de glace.

8. Les murs de soutènement, les garde-corps et les clôtures situés dans les aires communes extérieures doivent être maintenus en bon état du point de vue de la construction et ne doivent pas présenter de danger.

### PARTIE III SERVICES D'UTILITÉ PUBLIQUE ET AUTRES

#### PLOMBERIE

9. (1) Les installations de plomberie sanitaire et les systèmes de drainage de l'ensemble d'habitation, ainsi que leurs dépendances, doivent être entretenus de façon à n'avoir ni fuite, ni défaut et de façon à être dégagés et bien protégés contre le gel.

(2) L'ensemble d'habitation doit être pourvu d'un réseau d'évacuation des eaux d'égout.

(3) Le réseau d'évacuation des eaux d'égout doit être maintenu en bon état.

10. (1) Sous réserve des paragraphes (2), (3) et (4), chaque logement locatif doit comprendre les appareils sanitaires suivants :

1. Une toilette.
2. Un évier.
3. Un lavabo.
4. Une baignoire ou une douche.

(2) Le paragraphe (1) ne s'applique pas aux logements locatifs où l'on partage un appareil sanitaire visé à la disposition 1, 2 ou 4 du paragraphe (1) si les occupants de deux logements locatifs au plus partagent l'appareil et qu'il est possible d'y accéder à partir de chaque logement sans être obligé :

- a) soit de traverser le logement locatif d'autrui;
- b) soit d'emprunter un couloir non chauffé;
- c) soit de sortir de l'immeuble qui comprend les logements locatifs.

(3) Le paragraphe (1) ne s'applique pas aux pensions ni aux meublés si les conditions suivantes sont réunies :

- a) on compte au moins une toilette, un lavabo et une baignoire ou une douche pour cinq logements locatifs;
- b) tous les locataires ont accès à un évier;

- (c) all fixtures mentioned in clauses (a) and (b) are available in each building containing rental units.

(4) Subsection (1) does not apply to a residential complex or rental unit that has never been provided with piped water.

(5) The fixtures required by this section shall be maintained in a good state of repair and in a safely operable condition and shall be supplied with a supply of potable water sufficient for normal household use at a flow and pressure sufficient for the intended use of the fixtures.

11. (1) Every kitchen sink, washbasin, bathtub and shower shall be provided, by safe equipment, with hot and cold running water.

(2) The ordinary temperature of the hot water provided must be at least 43 degrees Celsius.

12. (1) Every washroom shall be enclosed and shall have,

(a) a water-resistant floor; and

(b) a door that can be,

(i) secured from the inside, and

(ii) opened from the outside in an emergency.

(2) The walls and ceiling around a bathtub or shower shall be water-resistant.

(3) In subsection (1),

“washroom” means an area containing a toilet, urinal, bathtub, shower or washbasin.

13. No toilet or urinal shall be located in a room used for or intended to be used for sleeping or preparing, consuming or storing food.

#### ELECTRICAL

14. (1) A supply of electrical power shall be provided to all habitable space in a residential complex.

(2) The wiring and receptacles necessary to provide electrical power shall be maintained free of conditions dangerous to persons or property.

(3) Every kitchen shall have outlets suitable for a refrigerator and a cooking appliance.

(4) If a rental unit has a meter for electricity for the purpose of billing the tenants of that rental unit, the meter shall be properly maintained and kept accessible to the tenants.

(5) This section does not apply to a residential complex that has never been connected to an electrical power system.

#### HEATING

15. (1) Heat shall be provided and maintained so that the room temperature at 1.5 metres above floor level and one metre from exterior walls in all habitable space and in any area intended for normal use by tenants, including recreation rooms and laundry rooms but excluding locker rooms and garages, is at least 20 degrees Celsius.

(2) Subsection (1) does not apply to a rental unit in which the tenant can regulate the temperature and a minimum temperature of 20 degrees Celsius can be maintained by the primary source of heat.

- c) tous les appareils sanitaires visés aux alinéas a) et b) sont installés dans chacun des immeubles qui comprennent des logements locatifs.

(4) Le paragraphe (1) ne s'applique pas aux ensembles d'habitation ni aux logements locatifs qui n'ont jamais été pourvus d'eau courante.

(5) Les appareils sanitaires exigés par le présent article doivent être maintenus en bon état, être d'utilisation sécuritaire et être suffisamment alimentés, aux fins des usages domestiques normaux, en eau potable dont le débit et la pression sont suffisants pour l'usage auquel ces appareils sont destinés.

11. (1) Les éviers, lavabos, baignoires et douches doivent être alimentés au moyen de matériel sécuritaire en eau courante chaude et froide.

(2) La température ordinaire de l'eau chaude doit être d'au moins 43 degrés Celsius.

12. (1) Les salles de bains doivent être enfermées et comprendre les éléments suivants :

a) un plancher hydrofuge;

b) une porte qui peut :

(i) d'une part, se fermer de façon sûre de l'intérieur,

(ii) d'autre part, s'ouvrir de l'extérieur en cas d'urgence.

(2) L'enceinte de la baignoire ou de la douche, ainsi que le plafond au-dessus de celle-ci, doivent être hydrofuges.

(3) La définition qui suit s'applique au paragraphe (1).

«salle de bains» Lieu comprenant une toilette, un urinoir, une baignoire, une douche ou un lavabo.

13. Aucune toilette ni aucun urinoir ne doivent être situés dans une pièce où l'on dort, fait la cuisine, mange ou conserve de la nourriture, ou qui est destinée à l'une ou l'autre de ces fins.

#### ÉLECTRICITÉ

14. (1) Il faut prévoir une source d'alimentation en électricité dans tous les locaux habitables de l'ensemble d'habitation.

(2) Les fils et les prises de courant nécessaires à l'alimentation en électricité doivent être entretenus de façon à ne pas présenter de conditions dangereuses pour les personnes ou les biens.

(3) Les cuisines doivent être équipées de prises de courant qui conviennent à un réfrigérateur et à un appareil de cuisson.

(4) Si un logement locatif comporte un compteur d'électricité aux fins de la facturation des locataires de ce logement, le compteur doit être bien entretenu et être accessible aux locataires.

(5) Le présent article ne s'applique pas à l'ensemble d'habitation qui n'a jamais été branché à un réseau d'électricité.

#### CHAUFFAGE

15. (1) La chaleur doit être fournie et distribuée de façon à maintenir la température ambiante à au moins 20 degrés Celsius, à 1,5 mètre au-dessus du niveau du plancher et à un mètre des murs extérieurs, dans tout local habitable et tout lieu à l'usage des locataires, y compris les salles de jeux et les buanderies, à l'exclusion toutefois des débarras et des garages.

(2) Le paragraphe (1) ne s'applique pas au logement locatif dont la température peut être réglée par le locataire et où la principale source de chaleur peut maintenir une température minimale de 20 degrés Celsius.

(3) Every residential complex shall have heating equipment capable of maintaining the temperature levels required by subsection (1).

(4) No rental unit shall be equipped with portable heating equipment as the primary source of heat.

(5) Only heating equipment approved for use by a recognized standards testing authority shall be provided in a room used or intended for use for sleeping purposes.

16. (1) Fuel supplied to a residential complex or rental unit shall be supplied continuously in adequate quantities.

(2) Utilities supplied to a residential complex or rental unit shall be supplied continuously.

(3) The supply of fuel and utilities may be interrupted for such reasonable period of time as may be required for the purpose of repair or replacement.

(4) Subsections (1) and (2) do not apply if the tenancy agreement makes the tenant responsible for the supply of fuel or utilities and the supply has been discontinued because of arrears in payment.

17. Heating systems, including stoves, heating appliances, fireplaces intended for use, chimneys, fans, pumps and filtration equipment, shall be maintained in a good state of repair and in a safely operable condition.

18. (1) A space that contains heating equipment that burns fuel shall have a natural or mechanical means of supplying the air required for combustion.

(2) If heating equipment burns solid or liquid fuel, a storage place or receptacle for the fuel shall be provided in a safe place and maintained in a safe condition.

#### LIGHTING AND VENTILATION

19. (1) Adequate artificial lighting shall be available at all times in all rooms, stairways, halls, corridors, garages, and basements of a residential complex that are accessible to tenants.

(2) Artificial lighting shall be provided in exterior common areas to permit these areas to be used or passed through safely, and to provide security.

(3) Subsections (1) and (2) do not apply to a residential complex that has never been connected to an electrical power system.

(4) Artificial lighting that has been installed in outbuildings normally used by tenants, including garages, shall be kept in operable condition.

(5) Artificial lighting shall be maintained in a good state of repair.

20. All habitable space shall be provided with natural or mechanical means of ventilation that is adequate for the use of the space.

21. (1) Chimneys, smoke-pipes, flues and gas vents shall be kept clear of obstructions and maintained so as to prevent the escape of smoke and gases into a building containing one or more rental units.

(2) Parking garages shall be maintained so as to prevent the accumulation of toxic fumes and the escape of toxic fumes into a building containing one or more rental units.

22. (1) Subject to subsections (2) and (3), every bedroom, living room and dining room shall have a window (which may be part of a door) to the outside of the building.

(3) Chaque ensemble d'habitation doit être équipé d'appareils de chauffage qui peuvent maintenir la température au niveau exigé par le paragraphe (1).

(4) Les logements locatifs ne doivent pas avoir comme principale source de chaleur des appareils de chauffage portatifs.

(5) Il ne faut prévoir, dans la pièce où l'on dort ou qui est destinée à cette fin, que des appareils de chauffage dont l'emploi est approuvé par un organisme reconnu de contrôle des normes.

16. (1) L'approvisionnement en combustible de l'ensemble d'habitation ou du logement locatif doit être assuré de façon continue et en quantité suffisante.

(2) La fourniture de services d'utilité publique à l'ensemble d'habitation ou au logement locatif doit être assurée de façon continue.

(3) L'approvisionnement en combustible et la fourniture de services d'utilité publique peuvent être interrompus pendant toute période raisonnable que peuvent entraîner des travaux de réparation ou de remplacement.

(4) Les paragraphes (1) et (2) ne s'appliquent pas si la convention de location stipule que le locataire est responsable de l'approvisionnement en combustible ou de la fourniture des services d'utilité publique et que ceux-ci ont été interrompus pour cause d'arriéré de paiement.

17. Les installations de chauffage, y compris les poêles, les appareils de chauffage, les foyers utilisables, les cheminées, les ventilateurs, les pompes et le matériel de filtration, doivent être maintenus en bon état et être d'utilisation sécuritaire.

18. (1) Le local qui abrite un appareil de chauffage à combustible doit avoir une source naturelle ou mécanique d'alimentation en air de combustion.

(2) Si les appareils de chauffage fonctionnent au combustible solide ou liquide, il faut prévoir un lieu ou un contenant pour entreposer le combustible de façon sécuritaire et il faut maintenir ceux-ci en bon état.

#### ÉCLAIRAGE ET VENTILATION

19. (1) Il faut prévoir un éclairage artificiel adéquat en tout temps dans toutes les pièces et tous les escaliers, vestibules, couloirs, garages et sous-sols de l'ensemble d'habitation qui sont accessibles aux locataires.

(2) Il faut prévoir un éclairage artificiel dans les aires communes extérieures de façon que l'on puisse les utiliser ou les traverser sans danger et de façon à en assurer la sécurité.

(3) Les paragraphes (1) et (2) ne s'appliquent pas à l'ensemble d'habitation qui n'a jamais été branché à un réseau d'électricité.

(4) L'éclairage artificiel installé dans les dépendances normalement utilisées par les locataires, y compris les garages, doit être maintenu en bon état de fonctionnement.

(5) L'éclairage artificiel doit être maintenu en bon état.

20. Les locaux habitables doivent être pourvus d'une ventilation naturelle ou mécanique adaptée à l'utilisation qui en est faite.

21. (1) Les cheminées, les conduits de fumée et les conduits d'évacuation des gaz brûlés doivent toujours être dégagés et être entretenus de façon à empêcher tout échappement de fumée ou de gaz dans l'immeuble comptant un ou plusieurs logements locatifs.

(2) Les garages de stationnement doivent être entretenus de façon à empêcher l'accumulation et l'échappement de vapeurs toxiques dans l'immeuble comptant un ou plusieurs logements locatifs.

22. (1) Sous réserve des paragraphes (2) et (3), les chambres, les salles de séjour et les salles à manger doivent être munies d'une fenêtre (qui peut faire partie d'une porte) donnant sur l'extérieur.



(2) A window is not required in a dining room if it has artificial lighting.

(3) A window is not required in a living room or dining room if,

- (a) there is an opening in a dividing wall to an adjoining room;
- (b) the adjoining room has a window to the outside; and
- (c) the total window area of the adjoining room is at least 5 per cent of the combined floor areas of the living room or dining room and the adjoining room.

23. (1) Every existing opening in the exterior surface of a building designed for a door or window shall be equipped with a door or window capable of performing the intended function.

(2) Doors, windows and skylights shall be maintained so that,

- (a) they are weathertight; and
- (b) any damaged or missing parts are repaired or replaced.

#### PART IV SAFETY AND SECURITY

24. (1) Guards shall be installed and maintained wherever,

- (a) there is a vertical drop of more than 600 millimetres (including along the open sides of stairs, ramps, balconies, mezzanines and landings); and
- (b) they would be required for a newly constructed or renovated area under the building code made under the *Building Code Act, 1992*.

(2) A guard required by subsection (1) shall provide reasonable protection from accidental falls for any person on the premises.

25. (1) This section applies with respect to every window in a rental unit that is in a storey above the storey that has,

- (a) its floor closest to ground level; and
- (b) its ceiling more than 1.8 metres above average ground level.

(2) At the request of the tenant, each window referred to in subsection (1) shall be equipped with a safety device to prevent any part of the window from opening so as to admit a sphere greater than 100 millimetres in diameter.

(3) The safety device required by subsection (2) shall not make the window incapable of being opened by an adult without a key or the use of tools.

26. (1) Exterior common areas shall be maintained in a condition suitable for their intended use and free of hazards and, for these purposes, the following shall be removed:

1. Noxious weeds as defined in the regulations to the *Weed Control Act*.
2. Dead, decayed or damaged trees or parts of such trees that create an unsafe condition.
3. Rubbish or debris, including abandoned motor vehicles.
4. Structures that create an unsafe condition.
5. Unsafe accumulations of ice and snow.

(2) Il n'est pas nécessaire d'avoir une fenêtre dans la salle à manger qui est dotée d'un éclairage artificiel.

(3) Il n'est pas nécessaire d'avoir une fenêtre dans la salle de séjour ou la salle à manger si les conditions suivantes sont réunies :

- a) il existe une ouverture dans la cloison mitoyenne séparant la salle d'une pièce attenante;
- b) la pièce attenante a une fenêtre donnant sur l'extérieur;
- c) la surface vitrée totale de la pièce attenante représente au moins 5 pour cent des aires de plancher combinées de la salle de séjour ou de la salle à manger et de la pièce attenante.

23. (1) Les ouvertures pratiquées dans la surface extérieure d'un immeuble pour les portes ou les fenêtres doivent être munies de portes ou de fenêtres qui peuvent remplir la fonction à laquelle elles sont destinées.

(2) Les portes, les fenêtres et les puits de lumière doivent être entretenus :

- a) de façon qu'ils demeurent à l'épreuve des intempéries;
- b) de façon que toute pièce endommagée ou manquante soit réparée ou remplacée.

#### PARTIE IV SÉCURITÉ

24. (1) Il faut installer des garde-corps et assurer leur entretien dans tous les endroits où :

- a) d'une part, la chute verticale dépasse 600 millimètres (y compris le long des côtés ouverts des escaliers, des rampes, des balcons, des mezzanines et des paliers);
- b) d'autre part, le code du bâtiment pris en application de la *Loi de 1992 sur le code du bâtiment* exigerait leur installation s'il s'agissait d'une aire nouvellement construite ou rénovée.

(2) Les garde-corps exigés par le paragraphe (1) doivent fournir une protection raisonnable contre les chutes accidentelles à quiconque se trouve sur les lieux.

25. (1) Le présent article s'applique aux fenêtres d'un logement locatif qui se trouvent au-dessus de l'étage :

- a) d'une part, dont le plancher est le plus proche du niveau du sol;
- b) d'autre part, dont le plafond est à plus de 1,8 mètre du niveau moyen du sol.

(2) À la demande du locataire, toutes les fenêtres visées au paragraphe (1) doivent être munies d'un dispositif de sécurité les empêchant de s'ouvrir de façon à laisser entrer une sphère de plus de 100 millimètres de diamètre.

(3) Le dispositif de sécurité exigé par le paragraphe (2) ne doit pas empêcher un adulte d'ouvrir les fenêtres sans clé ou outils.

26. (1) Les aires communes extérieures doivent être maintenues de façon à pouvoir servir à l'usage auquel elles sont destinées et à ne présenter aucun danger. À ces fins, il faut enlever ce qui suit :

1. Les mauvaises herbes nuisibles au sens des règlements pris en application de la *Loi sur la destruction des mauvaises herbes*.
2. Les arbres ou parties d'arbres morts, pourris ou endommagés qui présentent des dangers.
3. Les déchets ou autres débris, y compris les véhicules automobiles abandonnés.
4. Les constructions qui présentent des dangers.
5. Toute accumulation dangereuse de glace ou de neige.

(2) An inoperative motor vehicle or trailer that has remained in an exterior common area for more than a reasonable amount of time shall be removed.

(3) Wells and holes in exterior common areas shall be filled or safely covered and the wells shall also be protected from contamination.

27. (1) An abandoned or inoperable icebox, refrigerator or freezer shall not be left in a common area unless it is awaiting removal.

(2) An icebox, refrigerator or freezer that is awaiting removal shall have all its doors removed.

28. Driveways, ramps, parking garages, parking areas, paths, walkways, landings, outside stairs and any similar area shall be maintained to provide a safe surface for normal use.

29. (1) Every window and exterior door, including a balcony door, that is capable of being opened and that is accessible from outside a rental unit or a building containing a rental unit shall be equipped so that it can be secured from the inside.

(2) At least one entrance door in a rental unit shall be capable of being locked from outside the rental unit.

(3) If a rental unit-to-vestibule communication system together with a vestibule door locking release system is provided, it shall be maintained in a good state of repair and in a safely operable condition.

(4) Parking areas that are intended to be secured, shared locker rooms and shared storage rooms shall be provided with doors equipped with security devices that prevent access to persons other than the landlord and tenants.

(5) A mail delivery slot that enters directly into a rental unit, and any similar opening for deliveries, shall be located and maintained to prevent access to any door's or window's locking or securing mechanisms.

(6) Subsection (5) does not apply with respect to a mail delivery slot or other opening that has been sealed.

(7) Mail boxes provided by the landlord shall be properly maintained and capable of being secured.

#### **PART V MOBILE HOME PARKS AND LAND LEASE COMMUNITIES**

30. (1) Sections 31 to 36 apply to mobile home parks and land lease communities.

(2) The other sections of this Regulation also apply to mobile home parks and land lease communities.

31. (1) A supply of potable water and water pressure that are sufficient for normal household use shall be available for each rental unit in a mobile home park or land lease community.

(2) An adequate supply of water and adequate water pressure shall be available for fire fighting.

(3) Fire hydrants owned by the landlord shall be regularly tested and maintained and kept free from accumulations of snow and ice.

32. (1) Roads within a mobile home park or land lease community shall be,

(a) kept free of holes and cleared of snow and obstructions;

(2) Un véhicule automobile ou une remorque hors d'usage qui est laissé dans une aire commune extérieure pendant plus d'une durée raisonnable doit être enlevé.

(3) Les puits et les trous se trouvant dans les aires communes extérieures doivent être comblés ou être couverts de façon à ne pas présenter de risques, les puits devant également être protégés contre la contamination.

27. (1) Les glacières, les réfrigérateurs ou les congélateurs abandonnés ou hors d'usage ne doivent pas être laissés dans une aire commune, sauf s'ils doivent être enlevés sous peu.

(2) Il faut enlever les portes des glacières, des réfrigérateurs ou des congélateurs qui doivent être enlevés sous peu.

28. Les allées, les rampes, les garages de stationnement, les aires de stationnement, les passages pour piétons, les paliers et les escaliers extérieurs et toute aire semblable doivent être entretenus de façon à présenter une surface sûre dans des conditions normales d'utilisation.

29. (1) Chaque fenêtre et chaque porte extérieure, y compris les portes de balcon, qui peuvent s'ouvrir et sont accessibles de l'extérieur du logement locatif ou de l'immeuble qui comprend un logement locatif doivent être aménagées de façon à pouvoir se fermer de façon sûre de l'intérieur.

(2) Dans un logement locatif, il faut prévoir au moins une porte d'entrée qui puisse être verrouillée de l'extérieur.

(3) Tout système de communication entre le logement locatif et le vestibule qui est doté d'un dispositif de déverrouillage de la porte du vestibule doit être maintenu en bon état et être d'utilisation sécuritaire.

(4) Dans les aires de stationnement qui doivent être fermées de façon sûre, ainsi que dans les débarras et autres locaux d'entreposage communs, il faut prévoir des portes munies de dispositifs de sécurité qui limitent l'entrée au locateur et aux locataires.

(5) Les fentes à lettres qui donnent directement dans un logement locatif, et les ouvertures semblables prévues pour les livraisons, doivent être situées et entretenues de façon à empêcher l'accès aux dispositifs de fermeture ou de verrouillage de toute porte ou fenêtre.

(6) Le paragraphe (5) ne s'applique ni aux fentes à lettres, ni aux autres ouvertures qui ont été scellées.

(7) Les boîtes à lettres fournies par le locateur doivent être bien entretenues et pouvoir être fermées de façon sûre.

#### **PARTIE V PARCS DE MAISONS MOBILES ET ZONES RÉSIDENTIELLES À BAUX FONCIERS**

30. (1) Les articles 31 à 36 s'appliquent aux parcs de maisons mobiles et aux zones résidentielles à baux fonciers.

(2) Les autres articles du présent règlement s'appliquent également aux parcs de maisons mobiles et aux zones résidentielles à baux fonciers.

31. (1) Dans un parc de maisons mobiles ou une zone résidentielle à baux fonciers, l'alimentation en eau potable et la pression de l'eau doivent être suffisantes pour chaque logement locatif aux fins des usages domestiques normaux.

(2) L'alimentation en eau et la pression de l'eau doivent être suffisantes pour la lutte contre l'incendie.

(3) Les bouches d'incendie qui appartiennent au locateur doivent être régulièrement mises à l'essai et entretenues, et n'être recouvertes ni de neige ni de glace.

32. (1) Les chemins situés à l'intérieur du parc de maisons mobiles ou de la zone résidentielle à baux fonciers doivent satisfaire aux exigences suivantes :

a) ils doivent être libres de trous et doivent être déneigés et dégagés;

(b) maintained to control dust, and

(c) kept passable.

(2) Excavations made for repairs shall be filled in and the ground returned to its previous condition.

33. Mailboxes and the approaches to them shall be kept free of snow and other obstructions.

34. Where the distance between mobile homes is three metres or more, that distance shall not be reduced to less than three metres through the addition of a deck or ramp or by any other means, unless a lesser distance provides an adequate degree of fire safety.

35. (1) Sewage holding tanks in a mobile home park or land lease community shall be emptied whenever necessary.

(2) Sewage connections and other components of a sewage system shall be provided in a mobile home park or land lease community and shall be permanently secured to prevent a discharge of sewage.

(3) In subsection (2),

“sewage system” means a municipal sanitary sewage system or a private sewage disposal system and includes a sewage system as defined in the building code made under the *Building Code Act, 1992* and a sewage works as defined in the *Ontario Water Resources Act*.

36. Electrical supply and connections in a mobile home park or land lease community supplied by the landlord shall be maintained free of conditions dangerous to persons or property.

## PART VI GENERAL MAINTENANCE

37. Every floor, stair, veranda, porch, deck, balcony, loading dock and every structure similar to any of them, and any covering, guard or surface finishing shall be maintained in a good state of repair.

38. Every cabinet, cupboard, shelf and counter top provided by the landlord of a rental unit shall be maintained in a structurally sound condition, free from cracks and deterioration.

39. (1) Interior cladding of walls and ceilings shall be maintained free from holes, leaks, deteriorating materials, mould, mildew and other fungi.

(2) A protective finish shall be applied to all repairs made to walls and ceilings.

40. (1) Appliances supplied by the landlord of the rental unit shall be maintained in a good state of repair and in a safely operable condition.

(2) In subsection (1),

“appliances” includes refrigerators, stoves, clothes washers, clothes dryers, dishwashers and hot water tanks.

41. Those portions of a residential complex used for human habitation, including common areas, shall be maintained to minimize heat loss through air infiltration.

42. Locker and storage rooms shall be kept free of dampness and mildew.

43. Elevators intended for use by tenants shall be properly maintained and kept in operation except for such reasonable time as may be required to repair or replace them.

b) ils doivent être entretenus de façon à prévenir la poussière;

c) ils doivent être utilisables.

(2) Les excavations creusées afin d'effectuer des réparations doivent être comblées et le terrain doit retrouver son aspect antérieur.

33. Les boîtes à lettres et les abords ne doivent pas être recouverts de neige, ni obstrués d'aucune autre façon.

34. Lorsque la distance entre les maisons mobiles est de trois mètres ou plus, elle ne doit pas être réduite à moins de trois mètres par l'ajout d'une terrasse ou d'une rampe ou par tout autre moyen, sauf si la distance réduite procure un degré adéquat de sécurité-incendie.

35. (1) Les réservoirs de retenue des eaux d'égout des parcs de maisons mobiles ou des zones résidentielles à baux fonciers doivent être vidés chaque fois que c'est nécessaire.

(2) Il faut prévoir, dans un parc de maisons mobiles ou une zone résidentielle à baux fonciers, les branchements d'égout et les autres pièces du système d'égouts, lesquels doivent être installés et raccordés de façon permanente afin d'éviter tout rejet des eaux d'égout.

(3) La définition qui suit s'applique au paragraphe (2).

«système d'égouts» S'entend d'un réseau municipal d'égouts séparatifs ou d'un système privé d'évacuation des eaux d'égout et, en outre, d'un système d'égouts au sens du code du bâtiment pris en application de la *Loi de 1992 sur le code du bâtiment* et d'une station d'épuration des eaux d'égout au sens de la *Loi sur les ressources en eau de l'Ontario*.

36. La source d'électricité et les connexions électriques des parcs de maisons mobiles ou des zones résidentielles à baux fonciers que fournit le locateur doivent être entretenues de façon à ne pas présenter de conditions dangereuses pour les personnes ou les biens.

## PARTIE VI ENTRETIEN GÉNÉRAL

37. Les planchers, les escaliers, les vérandas, les porches, les terrasses, les balcons, les plates-formes de chargement et toute construction semblable, ainsi que les parements, les garde-corps ou les finitions de surface, doivent être maintenus en bon état.

38. Les armoires, les placards, les tablettes et les plans de travail fournis par le locateur du logement locatif doivent être maintenus en bon état du point de vue de la construction et n'être ni fissurés ni détériorés.

39. (1) Les revêtements intérieurs des murs et des plafonds doivent être entretenus de façon à ne comporter ni trous, ni fuites, ni matériaux se détériorant, ni moisissure et autres champignons.

(2) Un enduit protecteur doit être appliqué à toutes les réparations apportées aux murs et aux plafonds.

40. (1) Les appareils ménagers fournis par le locateur du logement locatif doivent être maintenus en bon état et être d'utilisation sécuritaire.

(2) La définition qui suit s'applique au paragraphe (1).

«appareils ménagers» S'entend notamment des réfrigérateurs, des cuisinières, des machines à laver, des sècheuses, des lave-vaisselle et des réservoirs à eau chaude.

41. Les parties de l'ensemble d'habitation destinées à l'habitation, y compris les aires communes, doivent être entretenues de façon à réduire au minimum les pertes de chaleur provoquées par l'infiltration d'air.

42. Il faut éliminer toute humidité et toute moisissure dans les débarras et autres locaux d'entreposage.

43. Les ascenseurs à l'usage des locataires doivent être bien entretenus et en état de marche, sauf pendant toute période raisonnable que peut entraîner leur réparation ou leur remplacement.

44. (1) All interior common areas and exterior common areas shall be kept clean and free of hazards.

(2) For the purpose of subsection (1),

“interior common areas” includes laundry rooms, garbage rooms, corridors, lobbies, vestibules, boiler rooms, parking garages, storage areas and recreation rooms.

45. (1) In a building containing more than one rental unit, one or more suitable containers or compactors shall be provided for garbage.

(2) Garbage in a container or compactor provided in accordance with subsection (1) shall be stored and either placed for pick-up or regularly disposed of so as not to cause a risk to the health or safety of any person.

(3) A container or compactor provided in accordance with subsection (1) shall be maintained in a clean and sanitary condition, shall be accessible to tenants and shall not obstruct an emergency route, driveway or walkway.

46. (1) A residential complex shall be kept reasonably free of rodents, vermin and insects.

(2) The methods used for exterminating rodents and insects shall be in accordance with applicable municipal or provincial law.

(3) Openings and holes in a building containing one or more rental units shall be screened or sealed to prevent the entry of rodents, vermin, insects and other pests.

47. Every existing interior door shall be maintained so that it is capable of performing its intended function and any damaged or missing parts shall be repaired or replaced.

#### **PART VII INSPECTION CHARGES**

48. The Minister may charge a municipality \$265 for each inspection made under subsection 154 (3) of the Act or to ensure compliance with a work order under section 155 of the Act.

49. The Minister shall send an invoice to the municipality requiring the payment of one or more charges and the invoice shall specify for each charge the date of the inspection, the address of the residential complex inspected and the date by which the municipality must pay.

#### **PART VIII COMMENCEMENT**

50. This Regulation comes into force on the day that subsection 154 (1) of the Act comes into force.

44. (1) Les aires communes intérieures et les aires communes extérieures doivent être tenues propres et ne présenter aucun danger.

(2) La définition qui suit s'applique au paragraphe (1).

«aires communes intérieures» S'entend notamment des buanderies, des salles à ordures, des couloirs, des vestibules, des chaufferies, des garages de stationnement, des aires d'entreposage et des salles de jeux.

45. (1) Dans un immeuble comptant plus d'un logement locatif, un ou plusieurs conteneurs ou compacteurs adéquats doivent être fournis pour les ordures.

(2) Les ordures du conteneur ou du compacteur fourni conformément au paragraphe (1) doivent être entreposées et soit préparées pour être ramassées soit éliminées régulièrement de façon à ne pas menacer la santé ni la sécurité des personnes.

(3) Les conteneurs ou compacteurs fournis conformément au paragraphe (1) doivent être maintenus dans un état de propreté et de salubrité satisfaisant, être accessibles aux locataires et ne pas obstruer les voies de secours, les allées ni les passages pour piétons.

46. (1) L'ensemble d'habitation doit en tout temps être raisonnablement exempt de rongeurs, de vermine et d'insectes.

(2) Les méthodes de destruction des rongeurs et des insectes doivent être conformes aux règlements municipaux ou à la législation provinciale applicables.

(3) Les ouvertures et les orifices de l'immeuble comptant un ou plusieurs logements locatifs doivent être munis de grilles ou de moustiquaires ou être scellés pour ne pas laisser entrer les rongeurs, la vermine, les insectes ou les autres animaux nuisibles.

47. Les portes intérieures doivent être entretenues de façon qu'elles puissent remplir la fonction à laquelle elles sont destinées et toute pièce endommagée ou manquante doit être réparée ou remplacée.

#### **PARTIE VII FRAIS D'INSPECTION**

48. Le ministre peut faire payer à une municipalité 265 \$ pour chaque inspection effectuée aux termes du paragraphe 154 (3) de la Loi ou pour veiller à ce que l'on se conforme à un ordre d'exécution de travaux donné en vertu de l'article 155 de la Loi.

49. Le ministre fait parvenir à la municipalité une facture exigeant le paiement des frais et précisant pour chaque inspection les frais à payer, la date de l'inspection, l'adresse de l'ensemble d'habitation qui a été inspecté et la date limite à laquelle la municipalité doit verser la somme demandée.

#### **PARTIE VIII ENTRÉE EN VIGUEUR**

50. Le présent règlement entre en vigueur le même jour que le paragraphe 154 (1) de la Loi.

**ONTARIO REGULATION 199/98**  
made under the  
**MEDICAL RADIATION TECHNOLOGY ACT, 1991**

Made: April 3, 1998  
Approved: May 6, 1998  
Filed: May 8, 1998

Amending O. Reg. 855/93  
(Professional Misconduct)

Note: Ontario Regulation 855/93 has not previously been amended.

**1. Section 1 of Ontario Regulation 855/93 is amended by adding the following paragraphs:**

- 12.1 Failing to co-operate with the Quality Assurance Committee or with an assessor appointed under section 81 of the Health Professions Procedural Code.
- 12.2 Failing to participate in a practice assessment.
- 12.3 Failing to carry out a requirement or order of the Quality Assurance Committee.
- 12.4 Refusing to carry out a remedial activity required by the Quality Assurance Committee or failing to complete the activity within the time period required by the Committee.

COUNCIL OF THE COLLEGE OF MEDICAL  
RADIATION TECHNOLOGISTS OF ONTARIO:

JAMES D. ROBERTS  
*Chair*

SHARON SABERTON  
*Registrar*

Dated on April 3, 1998.

21/98

**ONTARIO REGULATION 200/98**  
made under the  
**MEDICAL RADIATION TECHNOLOGY ACT, 1991**

Made: April 3, 1998  
Approved: May 6, 1998  
Filed: May 8, 1998

Amending O. Reg. 545/94  
(General)

Note: Ontario Regulation 545/94 has not previously been amended.

**1. Ontario Regulation 545/94 is amended by adding the following Part:**

**PART III**  
**QUALITY ASSURANCE**

**GENERAL**

**7. In this Part,**

"Code" means the Health Professions Procedural Code;

"Committee" means the Quality Assurance Committee;

"continuous learning activity" includes any activity through which a member may enhance his or her knowledge, skills or judgment and includes any such activity whether done individually or while practising the profession;

"Program" means the Quality Assurance Program;

"quality assurance records" means, in relation to a member, the records relating to the member's assessment of his or her knowledge, skills and judgment and to his or her continuous learning activities and includes the documents described in subsection 10 (2);

"remedial activity" includes refresher, continuing education and other education programs or courses and learning activities done in collaboration with other members or members of any other health profession listed in Schedule 1 to the *Regulated Health Professions Act, 1991*.

**8. The Committee shall administer the Program which shall include,**

- (a) self-assessments and continuous learning activities by members;
- (b) maintenance of quality assurance records by members and assessments by the Committee of members' self-assessments and continuous learning activities;
- (c) assessments of members' practices;
- (d) participation by members in remedial activities; and
- (e) remediation of behaviour or remarks of a sexual nature by a member towards a patient, which behaviour or remarks are not of a clinical nature appropriate to the service provided.

**9. The Chair of the Committee may select a panel from among the members of the Committee and may delegate to the panel any of the Committee's duties or powers under this Part.**

**SELF-ASSESSMENT, PREPARATION AND ASSESSMENT  
OF QUALITY ASSURANCE RECORDS**

**10. (1)** Every year, a member shall engage in continuous learning activities and shall carry out an assessment of his or her knowledge, skills and judgment in accordance with the guidelines published by the College and distributed to the members.

**(2)** A member shall prepare and maintain quality assurance records relating to his or her continuous learning activities and to the assessment referred to in subsection (1) and including the following documents:

- 1. Annual self-assessment profiles which shall include a record of the member's annual assessment of his or her knowledge, skills and judgment.
- 2. Annual continuous learning portfolios, as described in subsection (3).
- 3. Annual certificates, as described in subsection (4).

**(3)** In an annual continuous learning portfolio, a member shall include a record of the continuous learning activities carried out by the member during each year, notes on his or her progress in learning and a plan for continuous learning activities for the following year.

**(4)** In an annual certificate, a member shall state,

- (a) whether or not he or she has complied with the requirements of the Program as set out in this Part and in the guidelines referred to in subsection (1); and
- (b) whether or not he or she is competent to practise, based on the standards of practice published by the College and distributed to the members.

(5) A member shall sign the annual certificate and submit it to the Registrar upon payment of the annual fee.

(6) The quality assurance records shall be in the form provided by the College.

(7) A member shall keep a copy of every quality assurance record for five years, and upon request, shall provide a copy of the record to the College.

11. (1) Upon request by the Committee, a member shall make all or part of the member's quality assurance records available to the Committee for assessment.

(2) If the Committee determines that a member has not prepared the quality assurance records, that the member's annual self-assessment is unsatisfactory, that his or her continuous learning activities are inappropriate or unsatisfactory or that the member has failed to comply with the requirements of the Program described in section 10, the Committee shall give the member notice of its determination.

(3) A notice under subsection (2) shall inform the member of his or her right to make a written submission to the Committee under subsection (4).

(4) Within 14 days of the day a member receives notice under subsection (2), the member may make a written submission to the Committee.

(5) If, after the time for making submissions under subsection (4) has expired and after considering any submission made by the member, the Committee believes that a member has not prepared the quality assurance records, that the member's annual self-assessment is unsatisfactory, that his or her continuous learning activities are inappropriate or unsatisfactory or that the member has failed to comply with the requirements of the Program described in section 10, it may,

- (a) require the member to confer with the Committee;
- (b) give the member an opportunity to complete the records;
- (c) require the member to complete the records or remedy any deficiency in the records;
- (d) give the member an opportunity to undertake remedial activities that will correct the deficiency identified by the Committee; or
- (e) require the member to participate in a specified part of the Program.

(6) If, after taking one or more of the actions described in subsection (5), the Committee believes that the member has not prepared his or her quality assurance records, that the member's annual self-assessment is unsatisfactory, that his or her continuous learning activities are inappropriate or unsatisfactory or that the member has failed to comply with the requirements of the Program described in section 10, it may, subject to subsections (7), (8) and (9), take one or more of the actions referred to in subsection (5).

(7) Before taking any further action under subsection (6), the Committee shall,

- (a) give the member notice of its decision to take further action; and
- (b) inform the member of his or her right to make a written submission to the Committee under subsection (8).

(8) Within 14 days of receiving notice under clause (7) (b), a member may make a written submission to the Committee.

(9) The Committee shall not take further action under subsection (6) until the time for making a submission under subsection (8) has expired and, if a submission is received, until it has considered the submission.

#### PRACTICE ASSESSMENT AND REMEDIATION

12. (1) Each year the College shall select at random the names of members required to undergo a practice assessment.

(2) The Committee may require a member to undergo a practice assessment if,

- (a) the member is selected for an assessment in accordance with the Committee's practice of random selections for assessment;
- (b) the Complaints Committee, the Discipline Committee, the Fitness to Practice Committee, the Executive Committee or the Registrar requests the assessment;
- (c) the Committee has reason to believe that the member's knowledge, skills or judgment may be unsatisfactory; or
- (d) the Committee believes, based on an assessment of the member's quality assurance records under section 11, that the member has failed to comply with the requirements of the Program.

(3) The practice assessment shall include an assessment of the member's knowledge, skills and judgment and may be conducted by an assessor or by a program designed to make such an assessment.

(4) An assessor or the person conducting the program referred to in subsection (3) may,

- (a) enter and inspect the premises where the member practises;
- (b) inspect the member's records, including the member's quality assurance records and patient records;
- (c) interview the member and his or her employer or employees, colleagues or peers;
- (d) observe the member in his or her practice of the profession; or
- (e) ask for an oral or written response to questions relating to the member's type of practice, including questions that require the member to solve simulated problems or to react to simulated case studies.

(5) The assessor or the person conducting the program referred to in subsection (3) shall submit a written report to the Committee.

13. (1) The Committee shall give a member notice of any of the following determinations made, based on a report submitted under subsection 12 (5):

- 1. A determination that a member's knowledge, skills and judgment are unsatisfactory.
- 2. A determination that a member's knowledge, skills and judgment require improvement or enhancement.

(2) A notice under subsection (1) shall inform the member of his or her right to make a written submission to the Committee under subsection (3).

(3) Within 14 days of receiving notice under subsection (1), a member may make a written submission to the Committee.

(4) If, after the time for making submissions under subsection (3) has expired and after considering any submission made by the member, the



Committee believes that a member's knowledge, skills and judgment are unsatisfactory, it may,

- (a) specify to the member which aspects of his or her knowledge, skills and judgment that are unsatisfactory and give the member an opportunity to improve them;
- (b) recommend that the member undertake specified remedial activities; or
- (c) require the member to undertake specified remedial activities.

(5) If, after the time for making submissions under subsection (3) has expired and after considering any submission made by the member, the Committee believes that a member's knowledge, skills and judgment require improvement or enhancement, it may,

- (a) specify to the member which aspects of his or her knowledge, skills and judgment require improvement or enhancement and give the member an opportunity to improve or enhance them; or
- (b) recommend that the member undertake specified remedial activities.

(6) If a member has undergone a practice assessment and the Committee has taken one of the actions described in subsection (4) or (5), the Committee may order that the member's practice be re-assessed at such time as the Committee may specify.

(7) Section 12 and this section apply with necessary modification to a re-assessment of a member's practice under subsection (6).

#### MEASURES FOLLOWING ALLEGED BEHAVIOUR OR REMARKS OF A SEXUAL NATURE

14. Subject to section 16, the Committee may require a member to undergo a psychological assessment or another assessment specified by the Committee if a matter respecting the member is referred to the Committee by a panel of the Complaints Committee under subsection 26 (3) of the Code or by the Executive Committee, the Complaints Committee or the Board under section 79.1 of the Code.

15. Subject to section 16, the Committee may require a member to undertake a measure specified by the Committee, including education, therapy or counselling, if,

- (a) the Committee has received a report of an assessment of a member required by the Committee under section 15;
- (b) the report indicates that the assessment has revealed a psychological or other condition on the part of the member that may adversely affect his or her professional behaviour; and
- (c) the Committee is of the opinion that the condition may benefit from remediation.

16. (1) The Committee shall not take action with respect to a member under section 14 or 15 unless,

- (a) the member admits to the behaviour or remarks towards the patient which the member is alleged to have exhibited or made;
- (b) the Complaints Committee, the Executive Committee or the Board referring the matter to the Committee considers the behav-

iour or remarks to be of a sexual nature within the meaning of clause 1 (3) (c) of the Code;

- (c) there is no pending allegation of sexual abuse against the member before the Discipline Committee and no finding of sexual abuse has been made against the member by the Discipline Committee; and
- (d) there is no pending review by the Board or Court of the alleged sexual abuse and no disposition by the Board or Court inconsistent with the referral to the Committee.

(2) Before taking action under section 14 or 15, the Committee shall give the member and the patient an opportunity to confer with the Committee.

(3) A member's admission to behaviour or remarks for the purpose of clause 1 (a) of this section and the results of any assessment undergone by the member under section 14 or measure undertaken by the member under section 15 shall not be admissible in evidence in proceedings alleging that the member has committed an act of professional misconduct.

COUNCIL OF THE COLLEGE OF MEDICAL RADIATION  
TECHNOLOGISTS OF ONTARIO:

JAMES D. ROBERTS  
*Chair*

SHARON SABERTON  
*Registrar*

Dated on April 3, 1998.

21/98

#### ONTARIO REGULATION 201/98 made under the FOREST FIRES PREVENTION ACT

Made: May 8, 1998  
Filed: May 8, 1998

#### RESTRICTED FIRE ZONE

1. Zones 5, 10 and 12 of the West Fire Region, as described in Schedule 1 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 1700 hours E.D.T. on May 8 to 2400 hours E.D.T. on May 13, both inclusive, in the year 1998.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister  
Corporate Services Division  
Ministry of Natural Resources*

Dated on May 8, 1998.

21/98

**ONTARIO REGULATION 202/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 8, 1998  
Filed: May 8, 1998

**RESTRICTED FIRE ZONE**

1. Zone 13 of the East Fire Region, except that part described in Ontario Regulation 182/98, Zones 15, 16, 17 and 18 of the East Fire Region, and that part of Zone 14 of the East Fire Region described in Schedule 'A' hereto, as described in Schedule 2 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 1700 hours on May 8 to 2400 hours on May 20, both inclusive, in the year 1998.

**Schedule 'A'**

All that land in the Territorial District of Cochrane, in the Province of Ontario, designated as Zone 14A on a plan known as East Fire Region, filed in the Office of the Surveyor General on October 3, 1995, in the Ministry of Natural Resources at Toronto.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister*  
*Corporate Services Division*  
*Ministry of Natural Resources*

Dated on May 8, 1998.

21/98

---

**CORRECTION**

Ontario Regulation 29/98 under the *Highway Traffic Act* published in the February 21, 1998 issue of *The Ontario Gazette* should have read as follows:

1. Schedule 12 to Regulation 623 of the Revised Regulations of Ontario, 1990 is revoked.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-05-30

## ONTARIO REGULATION 203/98 made under the LAND TITLES ACT

Made: April 29, 1998  
Filed: May 11, 1998

Amending Reg. 691 of R.R.O. 1990  
(Land Titles Divisions)

**Note:** Since January 1, 1997, Regulation 691 has been amended by Ontario Regulations 267/97, 351/97, 372/97 and 378/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. The Schedule to Regulation 691 of the Revised Regulations of Ontario, 1990 is amended by adding the following item:**

25.1 RENFREW (No. 49) Pembroke All of the County of Renfrew.

22/98

## ONTARIO REGULATION 204/98 made under the PLANNING ACT

Made: May 12, 1998  
Filed: May 12, 1998

Amending O. Reg. 25/86  
(Zoning Areas—Territorial District of Kenora,  
Part of the Sioux Lookout Planning Area)

**Note:** Since January 1, 1997, Ontario Regulation 25/86 has been amended by Ontario Regulations 12/97, 143/97, 144/97, 218/97, 285/97 and 412/97. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. Ontario Regulation 25/86 is amended by adding the following section:**

127. (1) Despite section 4, the lands described in subsection (2) are lands in a "Resort Commercial" zone.

(2) Subsection (1) applies to the following lands:

That parcel or tract of land being composed of a portion of Lots 24 and 25, in the 3rd and 4th Concessions of the Township of Drayton, in the District of Kenora, described as follows:

From a point being the north east corner of Lot 25, Concession IV, Drayton Township;

Thence south 0°6' east astronomically 58.25 metres to the northerly boundary of Plan P-2334-33;

Thence north 52°48' east astronomically 4.75 metres along the northerly boundary of Plan P-2334-33 to the point of commencement being the south west corner of the described parcel;

Thence north 52°48' east astronomically 71.0 metres along the northerly boundary of Plan P-2334-33;

Thence north 37°12' west astronomically 71.0 metres;

Thence south 52°48' west astronomically 71.0 metres;

Thence south 37°12' east astronomically 71.0 metres to the point of commencement, containing 0.504 hectares.

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on May 12, 1998.

22/98

## ONTARIO REGULATION 205/98 made under the ONTARIO MUNICIPAL SUPPORT GRANTS ACT

Made: May 11, 1998  
Filed: May 12, 1998

### DEEMED MUNICIPALITIES

**1. The Eastern Ontario Disaster Relief Committee is a municipality for the purposes of section 2 of the Ontario Municipal Support Grants Act.**

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 11, 1998.

22/98

## ONTARIO REGULATION 206/98 made under the HIGHWAY TRAFFIC ACT

Made: May 7, 1998  
Filed: May 12, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

**Note:** Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97, 26/98, 27/98, 28/98 and 109/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Paragraphs 12, 13, 14, 15, 18 and 29 of Part 3 of Schedule 1 to Regulation 619 of the Revised Regulations of Ontario, 1990 are revoked.**

(2) Paragraphs 10, 11, 12, 13, 15, 21 and 22 of Part 4 of Schedule 1 to the Regulation are revoked.

(3) Paragraphs 6, 10, 11, 12, 13, 14, 15, 16, 24, 29 and 41 of Part 5 of Schedule 1 to the Regulation are revoked.

(4) Paragraphs 7, 17 and 23 of Part 6 of Schedule 1 to the Regulation are revoked.

2. (1) Paragraph 1 of Part 3 of Schedule 47 to the Regulation is revoked.

(2) Paragraph 1 of Part 5 of Schedule 47 to the Regulation is revoked.

(3) Paragraphs 1, 2 and 3 of Part 6 of Schedule 47 to the Regulation are revoked.

3. Paragraphs 1 and 3 of Part 5 of Schedule 133 to the Regulation are revoked.

4. (1) Paragraphs 1 and 2 of Part 5 of Schedule 187 to the Regulation are revoked.

(2) Paragraph 1 of Part 6 of Schedule 187 to the Regulation is revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on May 7, 1998.

22/98

**ONTARIO REGULATION 207/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: May 7, 1998  
Filed: May 12, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97, 26/98, 27/98, 28/98, 109/98 and 206/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Paragraph 3 of Part 3 of Schedule 22 of Regulation 619 to the Revised Regulations of Ontario, 1990 is revoked.

2. Paragraphs 1 and 2 of Part 6 of Schedule 51 to the Regulation are revoked.

3. (1) Paragraph 1 of Part 4 of Schedule 106 to the Regulation is revoked.

(2) Paragraph 1 of Part 5 of Schedule 106 to the Regulation is revoked.

(3) Paragraph 2 of Part 6 of Schedule 106 to the Regulation is revoked.

4. (1) Paragraph 1 of Part 3 of Schedule 222 to the Regulation is revoked.

(2) Paragraph 1 of Part 4 of Schedule 222 to the Regulation is revoked.

(3) Paragraphs 1, 2 and 3 of Part 5 of Schedule 222 to the Regulation are revoked.

5. Paragraph 1 of Part 5 of Schedule 246 to the Regulation is revoked.

6. (1) Paragraph 1 of Part 4 of Schedule 253 to the Regulation is revoked.

(2) Paragraph 1 of Part 6 of Schedule 253 to the Regulation is revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on May 7, 1998.

22/98

**ONTARIO REGULATION 208/98**  
made under the  
**HIGHWAY TRAFFIC ACT**

Made: May 7, 1998  
Filed: May 12, 1998

Amending Reg. 619 of R.R.O. 1990  
(Speed Limits)

Note: Since January 1, 1997, Regulation 619 has been amended by Ontario Regulations 44/97, 115/97, 140/97, 141/97, 194/97, 208/97, 209/97, 327/97, 356/97, 366/97, 432/97, 434/97, 26/98, 27/98, 28/98, 109/98, 206/98 and 207/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Paragraph 10 of Part 3 of Schedule 6 to Regulation 619 to the Revised Regulations of Ontario, 1990 is revoked.

2. Paragraph 1 of Part 4 of Schedule 9 to the Regulation is revoked.

3. (1) Paragraph 2 of Part 3 of Schedule 19 to the Regulation is revoked.

(2) Paragraph 1 of Part 5 of Schedule 19 to the Regulation is revoked.

4. (1) Paragraph 1 of Part 1 of Schedule 21 to the Regulation is revoked.

(2) Paragraph 43 of Part 2 of Schedule 21 to the Regulation is revoked.

5. Paragraphs 2 and 4 of Part 5 of Schedule 34 to the Regulation are revoked.

6. (1) Paragraph 1 of Part 3 of Schedule 37 to the Regulation is revoked.

(2) Paragraph 1 of Part 5 of Schedule 37 to the Regulation is revoked.

7. Paragraph 1 of Part 3 of Schedule 49 to the Regulation is revoked.

8. Paragraphs 1 and 2 of Part 6 of Schedule 135 to the Regulation are revoked.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on May 7, 1998.

22/98

**ONTARIO REGULATION 209/98**  
made under the  
**LOCAL ROADS BOARDS ACT**

Made: May 7, 1998  
Filed: May 12, 1998

Amending Reg. 734 of R.R.O. 1990  
(Establishment of Local Roads Areas—  
Northern and Eastern Regions)

Note: Since January 1, 1997, Regulation 734 has been amended by Ontario Regulations 540/97, 23/98, 107/98 and 108/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Schedule 109 to Regulation 734 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

**Schedule 109**

**EBY LOCAL ROADS AREA**

All of the townships of Eby and Grenfell in the Territorial District of Timiskaming shown outlined on Ministry of Transportation Plan N-448-6, filed with the Record Services Unit of the Ministry of Transportation at North Bay on March 16, 1998.

TONY P. CLEMENT  
*Minister of Transportation*

Dated on May 7, 1998.

22/98

**ONTARIO REGULATION 210/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 13, 1998  
Filed: May 13, 1998

**RESTRICTED FIRE ZONE**

1. Zones 8, 9 and 11 of the West Fire Region, as described in Schedule 1 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 0001 hours E.D.T. on May 14 to 2400 hours E.D.T. on May 20, both inclusive, in the year 1998.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister  
Corporate Services Division  
Ministry of Natural Resources*

Dated on May 13, 1998.

22/98

**ONTARIO REGULATION 211/98**  
made under the  
**LIQUOR LICENCE ACT**

Made: April 8, 1998  
Filed: May 14, 1998

Amending Reg. 718 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 718 has been amended by Ontario Regulation 62/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 2 of Regulation 718 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

2. (1) An application for the issue or renewal of a licence to represent a manufacturer issued under section 11 of the Act must be on a form supplied by the Registrar of Alcohol and Gaming.

(2) An employee of a manufacturer licensed under section 22 of the Act is exempt from subsection 5 (2) and section 11 of the Act.

(3) An employee referred to in subsection (2) shall comply with section 2.1.

22/98

**ONTARIO REGULATION 212/98**  
made under the  
**LIQUOR LICENCE ACT**

Made: April 8, 1998  
Filed: May 14, 1998

Amending Reg. 720 of R.R.O. 1990  
(Manufacturers' Licences)

Note: Since January 1, 1997, Regulation 720 has been amended by Ontario Regulation 64/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsections 12 (1) and (2) of Regulation 720 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

12. (1) A holder of a manufacturer's licence shall ensure that any employee of the manufacturer who canvasses for, receives or solicits orders for the sale of liquor made by the manufacturer complies with section 2.1 of Regulation 718 of the Revised Regulations of Ontario, 1990.

(2) A holder of a manufacturer's licence shall not provide liquor to their employee for delivery to a person who ordered it unless the holder has received a purchase order for it remitted by the employee and has accepted the order.

22/98

**ONTARIO REGULATION 213/98**  
made under the  
**EDUCATION ACT**

Made: May 13, 1998  
Filed: May 14, 1998

Amending O. Reg. 185/97  
(Establishment, Areas of Jurisdiction and Names of  
District School Boards)

Note: Since January 1, 1997, Ontario Regulation 185/97 has been amended by Ontario Regulations 278/97 and 80/98.

**PART I—AMENDMENTS TO COME INTO FORCE ON FILING**

1. Section 2 of Ontario Regulation 185/97 is amended by striking out “the Schedule” in the amendment of 1998 and substituting “the Schedules”.

2. (1) Paragraph 1 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 1” in the first and second lines and substituting “the District School Board Ontario North East”.

(2) Subparagraph iii of paragraph 1 of section 3 of the Regulation is revoked and the following substituted:

iii. in the Territorial District of Nipissing,

A. the Municipality of Temagami, except for the portion of the Municipality that was formerly part of the geographic townships of Clement and Scholes, and

B. the geographic townships of Eldridge, Flett, Gladman, Gooderham, Hammell, Hartle, Hobbs, Kenny, McCallum, McLaren and Thistle, and

(3) Sub-subparagraph D of subparagraph iv of paragraph 1 of section 3 of the Regulation is amended by striking out “Coleman” in the third line, by striking out “Gillies Limit” in the fourth line and by adding “and” at the end.

(4) Subparagraph iv of paragraph 1 of section 3 of the Regulation is amended by striking out “and” at the end of sub-subparagraph C and by adding the following sub-subparagraph:

E. the portion of the geographic township of Gillies Limit that is not part of the Township of Coleman.

(5) Paragraph 3 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 3” in the first and second lines and substituting “the Rainbow District School Board”.

(6) Sub-subparagraph C of subparagraph ii of paragraph 3 of section 3 of the Regulation is amended by striking out “Nairn” in the first line.

(7) Sub-subparagraphs F and G of subparagraph ii of paragraph 3 of section 3 of the Regulation are revoked and the following substituted:

F. the Township of Nairn and Hyman,

G. the Township of Ratter and Dunnet,

(8) Sub-subparagraph H of subparagraph ii of paragraph 3 of section 3 of the Regulation is amended by striking out “Merritt” in the fifth line.

(9) Subparagraphs i, ii, iii, iv and v of paragraph 5 of section 3 of the Regulation are revoked and the following substituted:

i. the City of Dryden,

ii. the Towns of Jaffray Melick, Keewatin, Kenora and Sioux Lookout,

iii. the Townships of Ear Falls, Golden, Ignace, Machin, Red Lake and Sioux Narrows,

iv. the geographic townships of Baird, Boys, Britton, Buller, Colenso, Dome, Eton, Hartman, Heyson, Ilsley, Kirkup, Ladysmith, Melgund, Mutrie, Pellatt, Redditt, Redvers, Rowell, Rugby, Smellie, Southworth, Van Horne, Wabigoon, Wainwright and Zealand,

v. the portion of the geographic township of Aubrey that is not part of the Township of Machin,

(10) Sub-subparagraphs B and C of subparagraph ii of paragraph 6 of section 3 of the Regulation are revoked and the following substituted:

B. the Townships of Alberton, Atikokan, Chapple, Dawson, Emo, La Vallée, Lake of the Woods and Morley,

(11) Subparagraph li of paragraph 7 of section 3 of the Regulation is revoked and the following substituted:

ii. the Municipality of Oliver Paipoonge,

ii.1 the Townships of Conmee, Gillies, Neebing, O'Connor and Shuniah,

(12) Paragraph 12 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 10” in the first and second lines and substituting “the Lambton Kent District School Board”.

(13) Paragraph 16 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 14” in the first and second lines and substituting “the Kawartha Pine Ridge District School Board”.

(14) Paragraph 17 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 15” in the first and second lines and substituting “the Trillium Lakelands District School Board”.

(15) Paragraph 18 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 16” in the first and second lines and substituting “the York Region District School Board”.

(16) Paragraph 20 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 18” in the first and second lines and substituting “the Upper Grand District School Board”.

(17) Paragraph 22 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 20” in the first and second lines and substituting “the Halton District School Board”.

(18) Paragraph 24 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 22” in the first and second lines and substituting “the District School Board of Niagara”.

(19) Paragraph 28 of section 3 of the Regulation is amended by striking out “English-language Public District School Board No. 26”

in the first and second lines and substituting "the Upper Canada District School Board".

(20) Paragraph 29 of section 3 of the Regulation is amended by striking out "English-language Public District School Board No. 27" in the first and second lines and substituting "the Limestone District School Board".

3. Section 5 of the Regulation is amended by striking out "the Schedule" in the amendment of 1998 and substituting "the Schedules".

4. (1) Subparagraph iii of paragraph 1 of section 6 of the Regulation is revoked and the following substituted:

iii. in the Territorial District of Nipissing,

- A. the Municipality of Temagami, except for the portion of the Municipality that was formerly part of the geographic townships of Clement and Scholes, and
- B. the geographic townships of Eldridge, Flett, Gladman, Gooderham, Hammell, Hartle, Hobbs, Kenny, McCallum, McLaren and Thistle, and

(2) Sub-subparagraph C of subparagraph iv of paragraph 1 of section 6 of the Regulation is amended by striking out "and" at the end.

(3) Sub-subparagraph D of subparagraph iv of paragraph 1 of section 6 of the Regulation is amended by striking out "Coleman" in the third line, by striking out "Gillies Limit" in the fourth line and by adding "and" at the end.

(4) Subparagraph iv of paragraph 1 of section 6 of the Regulation is amended by adding the following sub-subparagraph:

- E. the portion of the geographic township of Gillies Limit that is not part of the Township of Coleman.

(5) Sub-subparagraph D of subparagraph i of paragraph 2 of section 6 of the Regulation is revoked and the following substituted:

- D. the geographic townships of Badgerow, Bastedo, Beaucage, Blyth, Boyd, Clarkson, Commanda, Crerar, Deacon, Eddy, Falconer, French, Gibbons, Grant, Hugel, Jocko, Kirkpatrick, Lauder, Loudon, Lyman, Macpherson, Merrick, Notman, Pedley, Pentland, Phelps, Poitras and Wyse, and

(6) Sub-subparagraph B of subparagraph ii of paragraph 2 of section 6 of the Regulation is amended by striking out "Magnetawan" in the first line.

(7) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 6 of the Regulation is revoked and the following substituted:

- C. the Townships of Armour, Joly, Machar, Magnetawan, McMurrich/Monteith, Nipissing, North Himsworth, Perry, Ryerson, South Himsworth and Strong,

(8) Subparagraph ii of paragraph 2 of section 6 of the Regulation is amended by adding "and" at the end of sub-subparagraph D, by striking out "and" at the end of sub-subparagraph E and by striking out sub-subparagraph F.

(9) Sub-subparagraph B of subparagraph ii of paragraph 3 of section 6 of the Regulation is amended by striking out "Nairn" in the first line.

(10) Subparagraph ii of paragraph 3 of section 6 of the Regulation is amended by adding the following sub-subparagraph:

B.1 the Township of Nairn and Hyman, and

(11) Sub-subparagraph C of subparagraph ii of paragraph 3 of section 6 of the Regulation is amended by striking out "Merritt" in the third line.

(12) Sub-subparagraph D of subparagraph ii of paragraph 3 of section 6 of the Regulation is revoked.

(13) Sub-subparagraphs A, B, C, D and E of subparagraph i of paragraph 5 of section 6 of the Regulation are revoked and the following substituted:

- A. the City of Dryden,
- B. the Town of Sioux Lookout,
- C. the Township of Machin,
- D. the geographic townships of Britton, Buller, Colenso, Eton, Godson, Hartman, Ilesley, Ladysmith, Melgund, Mutrie, Phillips, Redvers, Rowell, Rugby, Smellie, Southworth, Tweedsmuir, Van Horne, Wabigoon, Wainwright and Zealand,
- E. the portion of the geographic township of Aubrey that is not part of the Township of Machin, and

(14) Sub-subparagraphs B and C of subparagraph ii of paragraph 5 of section 6 of the Regulation are revoked and the following substituted:

- B. the Townships of Alberton, Chapple, Dawson, Emo, La Vallee, Lake of the Woods and Morley,

(15) Subparagraph ii of paragraph 7 of section 6 of the Regulation is revoked and the following substituted:

- ii. the Municipality of Oliver Paipoonge,
- ii.1 the Townships of Conmee, Gillies, Neebing, O'Connor and Shuniah,

(16) Paragraph 11 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 37" in the first and second lines and substituting "the Windsor-Essex Catholic District School Board".

(17) Paragraph 13 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 39" in the first and second lines and substituting "the St. Clair Catholic District School Board".

(18) Paragraph 14 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 40" in the first and second lines and substituting "the Toronto Catholic District School Board".

(19) Paragraph 15 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 41" in the first and second lines and substituting "the Peterborough Victoria Northumberland and Clarington Catholic District School Board".

(20) Paragraph 17 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 43" in the first and second lines and substituting "the Dufferin-Peel Catholic District School Board".

(21) Paragraph 20 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 46" in the first and second lines and substituting "the Halton Catholic District School Board".

(22) Paragraph 26 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 52" in the first and second lines and substituting "the Catholic District School Board of Eastern Ontario".

(23) Paragraph 29 of section 6 of the Regulation is amended by striking out "English-language Separate District School Board No. 55" in the first and second lines and substituting "the Algonquin and Lakeshore Catholic District School Board".

5. Section 8 of the Regulation is amended by striking out "the Schedule" in the amendment of 1998 and substituting "the Schedules".

6. (1) Paragraph 1 of section 9 of the Regulation is amended by striking out "French-language Public District School Board No. 56" in the first and second lines and substituting "the Conseil scolaire de district du Nord-Est de l'Ontario".

(2) Sub-paragraph C of subparagraph iv of paragraph 1 of section 9 of the Regulation is amended by striking out "Springer and Temagami" in the third line and substituting "and Springer".

(3) Subparagraph iv of paragraph 1 of section 9 of the Regulation is amended by adding the following sub-subparagraph:

C.1 the Municipality of Temagami, except for the portion of the Municipality that was formerly part of the geographic townships of Clement and Scholes,

(4) Sub-subparagraph D of subparagraph iv of paragraph 1 of section 9 of the Regulation is revoked and the following substituted:

D. the geographic townships of Badgerow, Bastedo, Beaucage, Blyth, Boyd, Clarkson, Commanda, Crerar, Deacon, Eddy, Eldridge, Falconer, Flett, French, Gibbons, Gladman, Gooderham, Grant, Hammell, Hartle, Hobbs, Hugel, Jocko, Kenny, Kirkpatrick, Lauder, Loudon, Lyman, Macpherson, McCallum, McLaren, Merrick, Notman, Pedley, Pentland, Phelps, Poitras, Thistle and Wyse,

(5) Sub-subparagraph D of subparagraph vi of paragraph 1 of section 9 of the Regulation is amended by striking out "Coleman" in the third line and by striking out "Gillies Limit" in the fourth line.

(6) Subparagraph vi of paragraph 1 of section 9 of the Regulation is amended by striking out "and" at the end of sub-subparagraph C, by adding "and" at the end of sub-subparagraph D and by adding the following sub-subparagraph:

E. the portion of the geographic township of Gillies Limit that is not part of the Township of Coleman.

(7) Sub-subparagraphs A, B, C, D and E of subparagraph ii of paragraph 2 of section 9 of the Regulation are revoked and the following substituted:

A. the City of Dryden,

B. the Towns of Jaffray Melick, Keewatin, Kenora and Sioux Lookout,

C. the Townships of Ear Falls, Golden, Ignace, Machin, Red Lake and Sioux Narrows,

D. the geographic townships of Baird, Boys, Britton, Buller, Colenso, Dome, Eton, Godson, Hartman, Heyson, Ilseley, Kirkup, Ladysmith, Melgund, Mutrie, Pellatt, Phillips, Redditt, Redvers, Rowell, Rugby, Smellie, Southworth, Tweedsmuir, Van Horne, Wabigoon, Wainwright and Zealand,

E. the portion of the geographic township of Aubrey that is not part of the Township of Machin,

(8) Sub-subparagraphs B and C of subparagraph iv of paragraph 2 of section 9 of the Regulation are revoked and the following substituted:

B. the Townships of Alberton, Atikokan, Chapple, Dawson, Emo, La Vallee, Lake of the Woods and Morley,

(9) Sub-subparagraph C of subparagraph v of paragraph 2 of section 9 of the Regulation is amended by striking out "Nairn" in the first line.

(10) Sub-subparagraphs F and G of subparagraph v of paragraph 2 of section 9 of the Regulation are revoked and the following substituted:

F. the Township of Nairn and Hyman,

G. the Township of Ratter and Dunnet,

(11) Sub-subparagraph H of subparagraph v of paragraph 2 of section 9 of the Regulation is amended by striking out "Merritt" in the seventh line.

(12) Subparagraph vi of paragraph 2 of section 9 of the Regulation is amended by adding the following sub-subparagraph:

B.1 the Municipality of Oliver Paipoonge,

(13) Sub-subparagraph C of subparagraph vi of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

C. the Townships of Beardmore, Conmee, Dorion, Gillies, Manitouwadge, Neebing, Nipigon, O'Connor, Red Rock, Schreiber, Shuniah and Terrace Bay,

(14) Paragraph 3 of section 9 of the Regulation is amended by striking out "French-language Public District School Board No. 58" in the first and second lines and substituting "the Conseil scolaire de district du Centre Sud-Ouest".

7. Section 11 of the Regulation is amended by striking out "the Schedule" in the amendment of 1998 and substituting "the Schedules".

8. (1) Paragraph 1 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 60A" in the first and second lines and substituting "the Conseil scolaire de district catholique des Grandes Rivières".

(2) Subparagraph iü of paragraph 1 of section 12 of the Regulation is revoked and the following substituted:

iii. in the Territorial District of Nipissing,

A. the Municipality of Temagami, except for the portion of the Municipality that was formerly part of the geographic townships of Clement and Scholes, and



- B. the geographic townships of Eldridge, Flett, Gladman, Gooderham, Hammell, Hartle, Hobbs, Kenny, McCallum, McLaren and Thistle, and

(3) Sub-subparagraph D of subparagraph 1v of paragraph 1 of section 12 of the Regulation is amended by striking out "Coleman" in the third line and by striking out "Gillies Limit" in the fourth line.

(4) Subparagraph 1v of paragraph 1 of section 12 of the Regulation is amended by striking out "and" at the end of sub-subparagraph C, by adding "and" at the end of sub-subparagraph D and by adding the following sub-subparagraph:

- E. the portion of the geographic township of Gillies Limit that is not part of the Township of Coleman.

(5) Paragraph 2 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 60B" in the first and second lines and substituting "the Conseil scolaire de district catholique Franco-Nord".

(6) Sub-subparagraph B of subparagraph ii of paragraph 2 of section 12 of the Regulation is amended by striking out "Magnetawan" in the first line.

(7) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 12 of the Regulation is revoked and the following substituted:

- C. the Townships of Armour, Joly, Machar, Magnetawan, McMurrich/Monteith, Nipissing, North Himsworth, Perry, Ryerson, South Himsworth and Strong,

(8) Subparagraph ii of paragraph 2 of section 12 of the Regulation is amended by adding "and" at the end of sub-subparagraph D, by striking out "and" at the end of sub-subparagraph E and by striking out sub-subparagraph F.

(9) Paragraph 3 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 61" in the first and second lines and substituting "the Conseil scolaire de district catholique du Nouvel-Ontario".

(10) Sub-subparagraphs E, F, G and H of subparagraph 1v of paragraph 3 of section 12 of the Regulation are revoked and the following substituted:

- E. the Township of Nairn and Hyman,  
 F. the Township of Ratter and Dunnet,  
 G. the Townships of Baldwin, Chapleau, Hagar and The Spanish River,  
 H. the geographic townships of Allen, Awrey, Bigwood, Burwash, Cartier, Cascaden, Caverley, Chapleau, Cherriman, Cleland, Cox, Curtin, Davis, de Gaulle, Delamere, Eisenhower, Foster, Foy, Gallagher, Genier, Gough, Haddo, Halsey, Hart, Harty, Hawley, Hendrie, Henry, Hess, Hoskin, Janes, Kaplan, Laura, Loughrin, McKinnon, Moncrieff, Mongowin, Panet, Roosevelt, Scadding, Scollard, Secord, Servos, Shakespeare, Street and Truman,

(11) Paragraph 4 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 62" in the first and second lines and substituting "the Conseil scolaire de district catholique des Aurores boréales".

(12) Sub-subparagraphs A, B, C, D and E of subparagraph 1 of paragraph 4 of section 12 of the Regulation are revoked and the following substituted:

- A. the City of Dryden,  
 B. the Towns of Jaffray Melick, Keewatin, Kenora and Sioux Lookout,  
 C. the Townships of Machin and Sioux Narrows,  
 D. the geographic townships of Boys, Britton, Buller, Colenso, Eton, Godson, Hartman, Ilsley, Kirkup, Lady-smith, Melgund, Mutrie, Pellatt, Phillips, Redditt, Redvers, Rowell, Rugby, Smellie, Southworth, Tweedsmuir, Van Horne, Wabigoon, Wainwright and Zealand,  
 E. the portion of the geographic township of Aubrey that is not part of the Township of Machin,

(13) Sub-subparagraphs B and C of subparagraph ii of paragraph 4 of section 12 of the Regulation are revoked and the following substituted:

- B. the Townships of Alberton, Chapple, Dawson, Emo, La Vallee, Lake of the Woods and Morley,

(14) Subparagraph iii of paragraph 4 of section 12 of the Regulation is amended by adding the following sub-subparagraph:

- B.1 the Municipality of Oliver Paipoonge,

(15) Sub-subparagraph C of subparagraph iii of paragraph 4 of section 12 of the Regulation is revoked and the following substituted:

- C. the Townships of Beardmore, Conmee, Dorion, Gillies, Manitouwadge, Nakina, Neebing, Nipigon, O'Connor, Red Rock, Schreiber, Shuniah and Terrace Bay,

(16) Paragraph 5 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 63" in the first and second lines and substituting "the Conseil scolaire de district des écoles catholiques du Sud-Ouest".

(17) Paragraph 6 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 64" in the first and second lines and substituting "the Conseil scolaire de district catholique Centre-Sud".

(18) Paragraph 7 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 65" in the first and second lines and substituting "the Conseil scolaire de district catholique de l'Est ontarien".

(19) Paragraph 8 of section 12 of the Regulation is amended by striking out "French-language Separate District School Board No. 66" in the first and second lines and substituting "the Conseil scolaire de district catholique du Centre-Est de l'Ontario".

9. (1) Subsection 13 (1) of the Regulation is amended by striking out "the Schedule" wherever it appears and substituting in each case "Schedule 1".

(2) Subsections 13 (2), (3) and (4) of the Regulation are revoked and the following substituted:

(2) The name of each district school board listed in Column 1 of Schedule 2 is changed to the name listed opposite in Column 2 of Schedule 2.

**10. The Regulation is amended by adding the following sections:**

14. (1) A reference to a district school board using the name listed in Column 1 of a Schedule to this Regulation shall be construed as if it were a reference to the district school board using the name listed opposite in Column 2 of the Schedule.

(2) Subsection (1) applies to a reference in any document of legal effect made before January 1, 1999, whether before or after the coming into force of this section.

(3) For the purposes of subsection (2), a document includes but is not limited to a regulation, directive, order or agreement.

15. (1) A description set out in a paragraph of this Regulation of the area of jurisdiction of a district school board shall be interpreted as of the day the paragraph comes into force.

(2) Subsection (1) applies regardless of changes in the boundaries, name or status of one or more municipal entities or geographical areas.

(3) Despite subsections (1) and (2), where a paragraph or portion of a paragraph that sets out a description or a part of a description of the area of jurisdiction of a district school board is amended, the paragraph or portion of a paragraph as amended shall be interpreted as of the day the amendment comes into force.

**11. The Schedule to the Regulation is renamed as "Schedule 1".****12. The Regulation is amended by adding the following Schedule:****Schedule 2**

COLUMN 1 Old Name	COLUMN 2 New Name
English-language Public District School Board No. 1	District School Board Ontario North East
English-language Public District School Board No. 3	Rainbow District School Board
English-language Public District School Board No. 10	Lambton Kent District School Board
English-language Public District School Board No. 14	Kawartha Pine Ridge District School Board
English-language Public District School Board No. 15	Trillium Lakelands District School Board
English-language Public District School Board No. 16	York Region District School Board
English-language Public District School Board No. 18	Upper Grand District School Board
English-language Public District School Board No. 20	Halton District School Board
English-language Public District School Board No. 22	District School Board of Niagara
English-language Public District School Board No. 26	Upper Canada District School Board
English-language Public District School Board No. 27	Limestone District School Board
English-language Separate District School Board No. 37	Windsor-Essex Catholic District School Board
English-language Separate District School Board No. 39	St. Clair Catholic District School Board

English-language Separate District School Board No. 40	Toronto Catholic District School Board
English-language Separate District School Board No. 41	Peterborough Victoria Northumberland and Clarington Catholic District School Board
English-language Separate District School Board No. 43	Dufferin-Peel Catholic District School Board
English-language Separate District School Board No. 46	Halton Catholic District School Board
English-language Separate District School Board No. 52	Catholic District School Board of Eastern Ontario
English-language Separate District School Board No. 55	Algonquin and Lakeshore Catholic District School Board
Conseil de district des écoles publiques de langue française n° 56	Conseil scolaire de district du Nord-Est de l'Ontario
Conseil de district des écoles publiques de langue française n° 58	Conseil scolaire de district du Centre Sud-Ouest
Conseil de district des écoles séparées de langue française n° 60A	Conseil scolaire de district catholique des Grandes Rivières
Conseil de district des écoles séparées de langue française n° 60B	Conseil scolaire de district catholique Franco-Nord
Conseil de district des écoles séparées de langue française n° 61	Conseil scolaire de district catholique du Nouvel-Ontario
Conseil de district des écoles séparées de langue française n° 62	Conseil scolaire de district catholique des Aurores boréales
Conseil de district des écoles séparées de langue française n° 63	Conseil scolaire de district des écoles catholiques du Sud-Ouest
Conseil de district des écoles séparées de langue française n° 64	Conseil scolaire de district catholique Centre-Sud
Conseil de district des écoles séparées de langue française n° 65	Conseil scolaire de district catholique de l'Est ontarien
Conseil de district des écoles séparées de langue française n° 66	Conseil scolaire de district catholique du Centre-Est de l'Ontario

**PART II—AMENDMENTS TO COME INTO FORCE ON  
JUNE 1, 1998**

13. Paragraph 29 of section 6 of the Regulation is amended by striking out subparagraphs i and ii and adding after "Territorial District of Nipissing" in the fifth and sixth lines "the Township of South Algonquin".

14. Paragraph 8 of section 12 of the Regulation is amended by striking out subparagraphs i and ii and adding after "Territorial District of Nipissing" in the seventh and eighth lines "the Township of South Algonquin".

**PART III—AMENDMENTS TO COME INTO FORCE ON  
JULY 1, 1998**

15. (1) Sub-subparagraph B of subparagraph ii of paragraph 3 of section 3 of the Regulation is revoked and the following substituted:



## B. the Town of Espanola,

(2) Sub-subparagraph C of subparagraph ii of paragraph 3 of section 3 of the Regulation is amended by adding "and" after "Baldwin" in the first line and by striking out "and The Spanish River" at the end.

(3) Sub-subparagraph H of subparagraph ii of paragraph 3 of section 3 of the Regulation is amended by striking out "Gough" in the third line, by striking out "McKinnon" in the fifth line and by striking out "Shakespeare" in the last line.

(4) Paragraph 3 of section 3 of the Regulation is amended by striking out "and" at the end of subparagraph i, by adding "and" at the end of subparagraph ii and by adding the following subparagraph:

iii. the portion of the Township of The Sables - Spanish Rivers that is in the Territorial District of Sudbury.

(5) Paragraph 5 of section 3 of the Regulation is amended by adding the following subparagraph:

i.1 the Municipality of Red Lake,

(6) Subparagraph iii of paragraph 5 of section 3 of the Regulation is amended by striking out "Golden" and by striking out "Red Lake".

(7) Subparagraph iv of paragraph 5 of section 3 of the Regulation is amended by striking out "Baird" and by striking out "Heyson".

(8) Paragraph 5 of section 3 of the Regulation is amended by adding the following subparagraph:

iv.1 the portions of the geographic townships of Baird and Heyson that are not part of the Municipality of Red Lake,

(9) Subparagraph ix of paragraph 5 of section 3 of the Regulation is amended by striking out "Township of Red Lake" in the ninth line and substituting "Municipality of Red Lake".

16. (1) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 6 of the Regulation is revoked and the following substituted:

C. the Townships of Armour, Joly, Machar, McMurrich/Monteith, Nipissing, North Himsworth, Perry, Ryerson, South Himsworth and Strong,

(2) Subparagraph ii of paragraph 2 of section 6 of the Regulation is amended by striking out "and" at the end of sub-subparagraph D, by adding "and" at the end of sub-subparagraph E and by adding the following sub-subparagraph:

F. the portion of the Township of Magnetawan that was not formerly part of the geographic township of Croft.

(3) Sub-subparagraph A of subparagraph ii of paragraph 3 of section 6 of the Regulation is revoked and the following substituted:

A. the Town of Espanola,

(4) Sub-subparagraph B of subparagraph ii of paragraph 3 of section 6 of the Regulation is amended by adding "and" after Baldwin in the first line and by striking out "and The Spanish River" at the end.

(5) Sub-subparagraph C of subparagraph ii of paragraph 3 of section 6 of the Regulation is amended by striking out "Gough" in the third line, by striking out "McKinnon" in the third line, by striking out "Shakespeare" in the fourth line and by striking out "and" at the end.

(6) Paragraph 3 of section 6 of the Regulation is amended by adding the following subparagraph:

ii.1 the portion of the Township of The Sables - Spanish Rivers that is in the Territorial District of Sudbury, and

17. (1) Subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by adding the following sub-subparagraph:

A.1 the Municipality of Red Lake,

(2) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by striking out "Golden" and by striking out "Red Lake".

(3) Sub-subparagraph D of subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by striking out "Baird" and by striking out "Heyson".

(4) Subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by adding the following sub-subparagraph:

D.1 the portions of the geographic Townships of Baird and Heyson that are not part of the Municipality of Red Lake,

(5) Sub-subparagraph I of subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by striking out "Township of Red Lake" in the ninth line and substituting "Municipality of Red Lake".

(6) Sub-subparagraph B of subparagraph v of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

B. the Town of Espanola,

(7) Sub-subparagraph C of subparagraph v of paragraph 2 of section 9 of the Regulation is amended by adding "and" after "Baldwin" in the first line and by striking out "and The Spanish River" at the end.

(8) Sub-subparagraph H of subparagraph v of paragraph 2 of section 9 of the Regulation is amended by striking out "Gough" in the fifth line, by striking out "McKinnon" in the seventh line and by striking out "Shakespeare" in the last line.

(9) Paragraph 2 of section 9 of the Regulation is amended by adding "and" at the end of subparagraph vi and by adding the following subparagraph:

vii. the portion of the Township of The Sables - Spanish Rivers that is in the Territorial District of Sudbury.

18. (1) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 12 of the Regulation is revoked and the following substituted:

C. the Townships of Armour, Joly, Machar, McMurrich/Monteith, Nipissing, North Himsworth, Perry, Ryerson, South Himsworth and Strong,

(2) Subparagraph ii of paragraph 2 of section 12 of the Regulation is amended by striking out "and" at the end of sub-subparagraph D, by adding "and" at the end of sub-subparagraph E and by adding the following sub-subparagraph:

- F. the portion of the Township of Magnetawan that was not formerly part of the geographic township of Croft.

(3) Sub-subparagraph B of subparagraph iv of paragraph 3 of section 12 of the Regulation is revoked and the following substituted:

- B. the Town of Espanola,

(4) Sub-subparagraph G of subparagraph iv of paragraph 3 of section 12 of the Regulation is amended by adding "and" after "Chapleau" in the first line and by striking out "and The Spanish River" at the end.

(5) Sub-subparagraph H of subparagraph iv of paragraph 3 of section 12 of the Regulation is amended by striking out "Gough", by striking out "McKinnon" and by striking out "Shakespeare".

(6) Paragraph 3 of section 12 of the Regulation is amended by striking out "and" at the end of subparagraph iii, by adding "and" at the end of subparagraph iv and by adding the following subparagraph:

- v. the portion of the Township of The Sables - Spanish Rivers that is in the Territorial District of Sudbury.

#### PART IV—AMENDMENTS TO COME INTO FORCE ON JANUARY 1, 1999

19. (1) Sub-subparagraph E of subparagraph li of paragraph 3 of section 3 of the Regulation is revoked and the following substituted:

- E. the Municipality of French River,

(2) Subparagraph ii of paragraph 3 of section 3 of the Regulation is amended by adding the following sub-subparagraph:

- F.1 the portion of the Municipality of West Nipissing that was formerly part of the geographic township of Janes,

(3) Sub-subparagraph H of subparagraph li of paragraph 3 of section 3 of the Regulation is revoked and the following substituted:

- H. the geographic townships of Allen, Awrey, Burwash, Cartier, Cascaden, Cleland, Cox, Curtin, Davis, Foster, Foy, Hart, Harty, Hawley, Hendrie, Henry, Hess, Laura, Loughrin, Moncrieff, Mongowin, Roosevelt, Scadding, Secord, Servos, Street and Truman,

(4) Subparagraph II of paragraph 3 of section 3 of the Regulation is amended by adding the following sub-subparagraphs:

- J. the portion of the geographic township of Janes that is not part of the Municipality of West Nipissing, and  
K. the portions of the geographic townships of Bigwood, Cherriman and Haddo that are not part of the Municipality of French River.

(5) Sub-subparagraphs B, C and D of subparagraph i of paragraph 4 of section 3 of the Regulation are revoked and the following substituted:

- B. the Towns of Kearney and Mattawa,  
C. the Townships of Bonfield, Calvin, Chisholm, East Ferris, Mattawan and Papineau-Cameron,

- D. the portion of the Municipality of West Nipissing that was not formerly part of the geographic townships of Bertram, Dana, Fell, Latchford or McWilliams, and

- E. the geographic townships of Blyth, Boyd, Clarkson, Commanda, Deacon, Eddy, French, Jocko, Lauder, Lyman, Merrick, Notman, Pentland, Phelps, Poitras and Wyse,

(6) Sub-subparagraph A of subparagraph i of paragraph 6 of section 3 of the Regulation is revoked and the following substituted:

- A. the Township of Lake of the Woods,

- A.1 the geographic townships of Godson, Phillips and Tweedsmuir, and

(7) Sub-subparagraph B of subparagraph i of paragraph 6 of section 3 of the Regulation is amended by striking out "all lands in unsurveyed territory" at the beginning and substituting "all lands, other than the geographic townships of Godson, Phillips and Tweedsmuir and the Township of Lake of the Woods,".

(8) Subparagraph ii of paragraph 7 of section 3 of the Regulation is revoked and the following substituted:

- ii. the Municipalities of Neebing and Oliver Paipoonge,

(9) Subparagraph ii.1 of paragraph 7 of section 3 of the Regulation is amended by striking out "Neebing".

(10) Subparagraph iii of paragraph 7 of section 3 of the Regulation is amended by striking out "Pearson" in the third line and by striking out "Scoble" in the last line.

20. (1) Sub-subparagraphs B, C and D of subparagraph i of paragraph 2 of section 6 of the Regulation are revoked and the following substituted:

- B. the Towns of Kearney and Mattawa,

- C. the Townships of Bonfield, Calvin, Chisholm, East Ferris, Mattawan and Papineau-Cameron,

- D. the portion of the Municipality of West Nipissing that was not formerly part of the geographic townships of Bertram, Dana, Fell, Latchford or McWilliams, and

- E. the geographic townships of Blyth, Boyd, Clarkson, Commanda, Deacon, Eddy, French, Jocko, Lauder, Lyman, Merrick, Notman, Pentland, Phelps, Poitras and Wyse, and

(2) Sub-subparagraph C of subparagraph i of paragraph 4 of section 6 of the Regulation is revoked and the following substituted:

- C. the Municipality of French River,

(3) Subparagraph i of paragraph 4 of section 6 of the Regulation is amended by adding the following sub-subparagraph:

- E.1 the portion of the Municipality of West Nipissing that was formerly part of the geographic township of Janes,

(4) Sub-subparagraph F of subparagraph i of paragraph 4 of section 6 of the Regulation is revoked and the following substituted:

- F. the geographic townships of Allen, Awrey, Burwash, Cartier, Cascaden, Cleland, Cox, Davis, Foy, Hart,

Harty, Hawley, Hendrie, Henry, Hess, Laura, Loughrin, Moncrieff, Scadding, Secord, Servos and Street,

(5) Subparagraph i of paragraph 4 of section 6 of the Regulation is amended by adding the following sub-subparagraphs:

- J. the portion of the geographic township of Janes that is not part of the Municipality of West Nipissing, and
- K. the portions of the geographic townships of Bigwood, Cherriman and Haddo that are not part of the Municipality of French River,

(6) Sub-subparagraph C of subparagraph i of paragraph 5 of section 6 of the Regulation is revoked and the following substituted:

- C. the Townships of Lake of the Woods and Machin,

(7) Sub-subparagraph F of subparagraph i of paragraph 5 of section 6 of the Regulation is amended by striking out "all lands in unsurveyed territory" at the beginning and substituting "all lands, other than the geographic townships of Godson, Phillips and Tweedsmuir and the Township of Lake of the Woods,".

(8) Subparagraph ii of paragraph 7 of section 6 of the Regulation is revoked and the following substituted:

- ii. the Municipalities of Neebing and Oliver Paipoonge,

(9) Subparagraph ii.1 of paragraph 7 of section 6 of the Regulation is amended by striking out "Neebing".

(10) Subparagraph iii of paragraph 7 of section 6 of the Regulation is amended by striking out "Pearson" in the third line and by striking out "Scoble" in the last line.

21. (1) Sub-subparagraphs B, C and D of subparagraph iv of paragraph 1 of section 9 of the Regulation are revoked and the following substituted:

- B. the Towns of Kearney and Mattawa,
- C. the Townships of Bonfield, Calvin, Chisholm, East Ferris, Mattawan and Papineau-Cameron,
- C.1 the portion of the Municipality of West Nipissing that was not formerly part of the geographic townships of Bertram, Dana, Fell, Latchford and McWilliams,
- D. the Municipality of Temagami, except for the portion of the Municipality that was formerly part of the geographic townships of Clement and Scholes,
- E. the geographic townships of Blyth, Boyd, Clarkson, Commanda, Deacon, Eddy, Eldridge, Flett, French, Gladman, Gooderham, Hammell, Hartle, Hobbs, Jocko, Kenny, Lauder, Lyman, McCallum, McLaren, Merrick, Notman, Pentland, Phelps, Poitras, Thistle and Wyse,

(2) Sub-subparagraph C of subparagraph ii of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

- C. the Townships of Ear Falls, Ignace, Lake of the Woods, Machin and Sioux Narrows,

(3) Sub-subparagraph J of subparagraph ii of paragraph 2 of section 9 of the Regulation is amended by striking out "all lands in unsurveyed territory" at the beginning and substituting "all lands,

other than the geographic townships of Godson, Phillips and Tweedsmuir and the Township of Lake of the Woods,".

(4) Sub-subparagraph E of subparagraph v of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

- E. the Municipality of French River,

(5) Sub-subparagraph H of subparagraph v of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

- H. the geographic townships of Allen, Awrey, Burwash, Cartier, Cascaden, Caverley, Chapleau, Cleland, Cox, Curtin, Davis, de Gaulle, Eisenhower, Foster, Foy, Gallagher, Genier, Halsey, Hart, Harty, Hawley, Hendrie, Henry, Hess, Kaplan, Laura, Loughrin, Moncrieff, Mongowin, Panet, Roosevelt, Scadding, Secord, Servos, Street and Truman,

(6) Subparagraph v of paragraph 2 of section 9 of the Regulation is amended by adding the following sub-subparagraphs:

- G.1 the portion of the Municipality of West Nipissing that was formerly part of the geographic township of Janes,

. . . . .

- J. the portion of the geographic township of Janes that is not part of the Municipality of West Nipissing, and

- K. the portions of the geographic townships of Bigwood, Cherriman and Haddo that are not part of the Municipality of French River, and

(7) Sub-subparagraph B.1 of subparagraph vi of paragraph 2 of section 9 of the Regulation is revoked and the following substituted:

- B.1 the Municipalities of Neebing and Oliver Paipoonge,

(8) Sub-subparagraph C of subparagraph vi of paragraph 2 of section 9 of the Regulation is amended by striking out "Neebing".

(9) Sub-subparagraph D of subparagraph vi of paragraph 2 of section 9 of the Regulation is amended by striking out "Pearson" in the ninth line and by striking out "Scoble" in the tenth line.

22. (1) Sub-subparagraphs B, C and D of subparagraph i of paragraph 2 of section 12 of the Regulation are revoked and the following substituted:

- B. the portion of the Municipality of West Nipissing that was not formerly part of the geographic townships of Bertram, Dana, Fell, Latchford and McWilliams,
- C. the Towns of Kearney and Mattawa,
- D. the Townships of Bonfield, Calvin, Chisholm, East Ferris, Mattawan and Papineau-Cameron, and
- E. the geographic townships of Blyth, Boyd, Clarkson, Commanda, Deacon, Eddy, French, Jocko, Lauder, Lyman, Merrick, Notman, Pentland, Phelps, Poitras and Wyse, and

(2) Sub-subparagraph D of subparagraph iv of paragraph 3 of section 12 of the Regulation is revoked and the following substituted:

- D. the Municipality of French River,

(3) Sub-subparagraph H of subparagraph iv of paragraph 3 of section 12 of the Regulation is revoked and the following substituted:

- H. the geographic townships of Allen, Awrey, Burwash, Cartier, Cascaden, Caverley, Chapleau, Cleland, Cox, Curtin, Davis, de Gaulle, Eisenhower, Foster, Foy, Gallagher, Genier, Halsey, Hart, Harty, Hawley, Hendrie, Henry, Hess, Kaplan, Laura, Loughrin, Moncrieff, Mongowin, Panet, Roosevelt, Scadding, Secord, Servos, Street and Truman,

(4) Subparagraph iv of paragraph 3 of section 12 of the Regulation is amended by striking out "and" at the end of sub-subparagraph J and by adding the following sub-subparagraphs:

- G.1 the portion of the Municipality of West Nipissing that was formerly part of the geographic township of Janes,

. . . . .

- L. the portion of the geographic township of Janes that is not part of the Municipality of West Nipissing, and

- M. the portions of the geographic townships of Bigwood, Cherriman and Haddo that are not part of the Municipality of French River.

(5) Sub-subparagraph C of subparagraph i of paragraph 4 of section 12 of the Regulation is revoked and the following substituted:

- C. the Townships of Lake of the Woods, Machin and Sioux Narrows,

(6) Sub-subparagraph H of subparagraph i of paragraph 4 of section 12 of the Regulation is amended by striking out "all lands in unsurveyed territory" at the beginning and substituting "all lands, other than the geographic townships of Godson, Phillips and Tweedsmuir and the Township of Lake of the Woods,".

(7) Sub-subparagraph B.1 of subparagraph iii of paragraph 4 of section 12 of the Regulation is revoked and the following substituted:

- B.1 the Municipalities of Neebing and Oliver Paipooonge,

(8) Sub-subparagraph C of subparagraph iii of paragraph 4 of section 12 of the Regulation is amended by striking out "Neebing".

(9) Sub-subparagraph D of subparagraph iii of paragraph 4 of section 12 of the Regulation is amended by striking out "Pearson" in the ninth line and by striking out "Scoble" in the tenth line.

## PART V

23. (1) Except as provided in subsections (2), (3) and (4), this Regulation comes into force on the day on which it is filed.

(2) Part II comes into force on June 1, 1998.

(3) Part III comes into force on July 1, 1998.

(4) Part IV comes into force on January 1, 1999.

22/98

## ONTARIO REGULATION 214/98

made under the  
COURTS OF JUSTICE ACT

Made: April 30, 1998  
Approved: May 13, 1998  
Filed: May 14, 1998

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

Note: Since January 1, 1997, Regulation 194 has been amended by Ontario Regulations 118/97, 348/97, 427/97, 442/97 and 171/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Rule 69 of Regulation 194 of the Revised Regulations of Ontario, 1990 is amended by adding the following rule:

### MANDATORY INFORMATION PROGRAM

#### *Application of rule*

69.05.1 (1) This rule applies to a divorce action commenced at Toronto after July 1, 1998 in which any relief, other than a divorce, costs and the incorporation of the terms of a separation agreement or prior court order, is sought.

## RÈGLEMENT DE L'ONTARIO 214/98

pris en application de la  
LOI SUR LES TRIBUNAUX JUDICIAIRES

pris le 30 avril 1998  
approuvé le 13 mai 1998  
déposé le 14 mai 1998

modifiant le Règl. 194 des R.R.O. de 1990  
(Règles de procédure civile)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 194 a été modifié par les Règlements de l'Ontario 118/97, 348/97, 427/97, 442/97 et 171/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. La Règle 69 du Règlement 194 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction de la règle suivante :

### PROGRAMME D'INFORMATION OBLIGATOIRE

#### *Champ d'application de la règle*

69.05.1 (1) La présente règle s'applique à l'action en divorce qui est introduite à Toronto après le 1<sup>er</sup> juillet 1998 et dans laquelle sont demandées des mesures de redressement autres que le divorce, les dépens et l'intégration des conditions d'un accord de séparation ou d'une ordonnance judiciaire antérieure.

**Contents of Program**

(2) The program referred to in this rule shall provide parties to divorce proceedings with information about separation and the legal process, and may include information on topics such as,

- (a) the options available for resolving differences, including alternatives to a court proceeding;
- (b) the impact the separation of parents has on children; and
- (c) resources available to deal with problems arising from separation.

**Attendance Compulsory**

(3) Each party to a proceeding described in subrule (1) shall attend the program no later than 45 days after the proceeding is commenced.

**Appointments to Attend**

(4) The petitioner shall arrange his or her own appointment to attend the program, obtain an appointment for the respondent from the person who conducts the program, and serve notice of the respondent's appointment with the petition.

**Certificate**

(5) The person who conducts the program shall provide for each party who attends a certificate of attendance, which shall be filed as soon as possible, and in any event not later than the time set out in subrule (10).

**No Other Steps**

(6) A party shall not take any step in the proceeding before his or her certificate of attendance is filed, except that a respondent may serve and file an answer and a party may make an appointment for a case conference under subrule (8).

**Exception**

(7) The court may, on a party's motion, order that any or all of subrules (3) to (6) and (8) do not apply to the party, because of urgency or hardship or for some other reason in the interest of justice.

**Case Conference**

(8) Before any motion for interlocutory relief is heard, the parties shall attend a case conference with a judge.

(9) The purposes of the case conference include,

- (a) identifying the issues that are in dispute and those that are not in dispute;
- (b) exploring ways to resolve the issues that are in dispute, including alternatives to a court proceeding;
- (c) if possible, obtaining the parties' agreement to a specific timetable for the steps to be taken in the case before it comes to trial; and
- (d) organizing or, if appropriate, holding a settlement conference.

**Steps Required Before Case Conference**

(10) The parties shall take the following steps by 2 p.m. on the second day before the day of the case conference:

1. Each party shall file a confirmation of his or her intention to attend.

**Contenu du programme**

(2) Le programme visé par la présente règle prévoit la fourniture aux parties aux instances en divorce de renseignements sur la séparation et la procédure judiciaire et peut comprendre des renseignements sur des sujets tels que :

- a) les options offertes pour régler les différends, y compris les procédures autres qu'une instance judiciaire;
- b) l'impact de la séparation des parents sur les enfants;
- c) les ressources disponibles pour aider les parties à faire face aux problèmes résultant de la séparation.

**Participation obligatoire**

(3) Chaque partie à une instance visée au paragraphe (1) participe au programme au plus tard le 45<sup>e</sup> jour qui suit l'introduction de l'instance.

**Rendez-vous pour la participation au programme**

(4) Le requérant fixe son rendez-vous pour participer au programme, obtient de la personne qui anime le programme un rendez-vous pour l'intimé et signifie avec la requête un avis du rendez-vous de l'intimé.

**Certificat**

(5) La personne qui anime le programme établit à l'intention de chaque partie qui y participe un certificat de participation qui est déposé dès que possible et, en tout cas, au plus tard au moment fixé au paragraphe (10).

**Aucune autre mesure**

(6) Une partie ne doit prendre aucune mesure dans l'instance avant le dépôt de son certificat de participation, si ce n'est qu'un intimé peut signifier et déposer une réponse et une partie peut prendre un rendez-vous pour la tenue d'une conférence relative à la cause visée au paragraphe (8).

**Exception**

(7) Le tribunal peut, sur motion d'une partie, ordonner que les paragraphes (3) à (6) et (8) ou l'un ou plusieurs d'entre eux ne s'appliquent pas à la partie en raison de l'urgence ou d'un préjudice ou pour tout autre motif dans l'intérêt de la justice.

**Conférence relative à la cause**

(8) Avant l'audition de toute motion visant à obtenir une mesure de redressement interlocutoire, les parties assistent à une conférence relative à la cause devant un juge.

(9) La conférence relative à la cause a notamment pour objet :

- a) de déterminer les questions en litige et celles qui ne le sont pas;
- b) d'envisager des façons de régler les questions en litige, y compris des procédures autres qu'une instance judiciaire;
- c) d'obtenir, si possible, l'accord des parties concernant un calendrier précis des mesures à prendre dans la cause avant le procès;
- d) d'organiser ou, s'il y a lieu, de tenir une conférence en vue d'une transaction.

**Mesures à prendre avant la conférence relative à la cause**

(10) Les parties prennent les mesures suivantes au plus tard à 14 h l'avant-veille de la conférence relative à la cause :

1. Chaque partie dépose une confirmation de son intention d'y assister.

2. The petitioner shall serve, and file with proof of service, a case conference brief (Form 69B.1).
3. The respondent shall serve, and file with proof of service,
  - i. a case conference brief (Form 69B.1), or
  - ii. a brief stating any points of difference from the petitioner's case conference brief.

#### **Revocation**

(11) This rule is revoked on October 1, 1999.

2. Rule 70 of the Regulation is amended by adding the following rule:

#### **MANDATORY INFORMATION PROGRAM**

##### ***Application of rule 69.05.1***

**70.03.1** (1) Rule 69.05.1 applies, with necessary modifications, to proceedings governed by this Rule that are commenced at Toronto after July 1, 1998 and in which any relief, other than costs, the incorporation of the terms of a separation agreement or prior court order and variation of the terms of a final order, is sought.

#### **Exceptions**

(2) Despite subrule (1), rule 69.05.1 does not apply to proceedings under,

- (a) the *Change of Name Act*;
- (b) the *Family Responsibility and Support Arrears Enforcement Act*, 1996; or
- (c) the *Reciprocal Enforcement of Support Orders Act*.

#### **Exception**

- (3) Subrules 69.05.1 (3) to (6) do not apply to,
  - (a) a person or agency referred to in subsection 33 (3) of the *Family Law Act*;
  - (b) the Director of the Family Responsibility Office.

#### **Revocation**

(4) This rule is revoked on October 1, 1999.

3. (1) The Regulation is amended by adding the following form:

2. Le requérant signifie, et dépose avec la preuve de la signification, un mémoire visant la conférence relative à la cause (formule 69B.1).
3. L'intimé signifie, et dépose avec la preuve de la signification :
  - i. soit un mémoire visant la conférence relative à la cause (formule 69B.1),
  - ii. soit un mémoire énonçant les points de divergence avec le mémoire du requérant visant la conférence relative à la cause.

#### **Abrogation**

(11) La présente règle est abrogée le 1<sup>er</sup> octobre 1999.

2. La Règle 70 du Règlement est modifiée par adjonction de la règle suivante :

#### **PROGRAMME D'INFORMATION OBLIGATOIRE**

##### ***Champ d'application de la règle 69.05.1***

**70.03.1** (1) La règle 69.05.1 s'applique, avec les adaptations nécessaires, aux instances régies par la présente Règle qui sont introduites à Toronto après le 1<sup>er</sup> juillet 1998 et dans lesquelles sont demandées des mesures de redressement autres que les dépens, l'intégration des conditions d'un accord de séparation ou d'une ordonnance judiciaire antérieure et qu'une modification des conditions d'une ordonnance définitive.

#### **Exceptions**

(2) Malgré le paragraphe (1), la règle 69.05.1 ne s'applique pas aux instances introduites en vertu de l'une ou l'autre des lois suivantes :

- a) la *Loi sur le changement de nom*;
- b) la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*;
- c) la *Loi sur l'exécution réciproque d'ordonnances alimentaires*.

#### **Exception**

- (3) Les paragraphes 69.05.1 (3) à (6) ne s'appliquent pas :
  - a) aux personnes et aux organismes visés au paragraphe 33 (3) de la *Loi sur le droit de la famille*;
  - b) au directeur du Bureau des obligations familiales.

#### **Abrogation**

(4) La présente règle est abrogée le 1<sup>er</sup> octobre 1999.

3. (1) Le Règlement est modifié par adjonction de la formule suivante :

Form 69B.1

CASE CONFERENCE BRIEF

Ontario Court (General Division)  
393 University Avenue, Toronto M5G 1E6

Court file number \_\_\_\_\_  
**Form 69B.1**  
**Case Conference Brief**

Filed by \_\_\_\_\_  
*(Identify party)*

Case conference date \_\_\_\_\_

**Petitioner/  
Plaintiff/  
Applicant** \_\_\_\_\_  
*(State relation to respondent)*

**Defendant/  
Respondent** \_\_\_\_\_  
*(State relation to applicant)*

\_\_\_\_\_  
*(Full legal name)*

\_\_\_\_\_  
*(Full legal name)*

\_\_\_\_\_  
*(Address for service -- street, municipality, postal code)*

\_\_\_\_\_  
*(Address for service -- street, municipality, postal code)*

\_\_\_\_\_  
*(Daytime telephone and fax numbers)*

\_\_\_\_\_  
*(Daytime telephone and fax numbers)*

\_\_\_\_\_  
*(Lawyer's name)*

\_\_\_\_\_  
*(Lawyer's name)*

\_\_\_\_\_  
*(Lawyer's address, telephone and fax numbers)*

\_\_\_\_\_  
*(Lawyer's address, telephone and fax numbers)*

**PART 1: ISSUES IN DISPUTE** *(Please check the relevant boxes)*

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Child custody      | <input type="checkbox"/> Child support                         | <input type="checkbox"/> Division of property  |
| <input type="checkbox"/> Access to children | <input type="checkbox"/> Spousal support                       | <input type="checkbox"/> Ownership of property |
| <input type="checkbox"/> Possession of home | <input type="checkbox"/> Other <i>(Specify on line below.)</i> |  |

Brief description of the issues in dispute

**PART 2: MARRIAGE/COHABITATION**

Date of marriage/cohabitation \_\_\_\_\_

Place of marriage \_\_\_\_\_

Applicant's current age \_\_\_\_ Respondent's current age \_\_\_\_ Number of children \_\_\_\_

Was applicant married before? ☐ No ☐ Yes -- divorce date \_\_\_\_\_

Was respondent married before? ☐ No ☐ Yes -- divorce date \_\_\_\_\_



Case conference brief (Form 898.1), page 2

**PART 3: SEPARATION**

Separation date \_\_\_\_\_ Prior separation(s) (Dates.) \_\_\_\_\_

Attempts at reconciliation (Give details.) \_\_\_\_\_

Earlier court cases about this relationship (Give date, court, file no., details.) \_\_\_\_\_

Oral or written separation arrangements between the parties (Give date, details.) \_\_\_\_\_

Who is living in the family home? \_\_\_\_\_

When did the party not now living in the home leave? Any special circumstances? \_\_\_\_\_**PART 4: CHILDREN**

Name	Age, Birth date	Grade/Year and School
------	-----------------	-----------------------

Current living arrangements of children \_\_\_\_\_

Current access arrangements \_\_\_\_\_

Concerns or issues about the children \_\_\_\_\_

What changes are you proposing? \_\_\_\_\_



Case conference brief (Form 698.1), page 3

**PART 5: FINANCIAL INFORMATION**

Applicant's gross annual salary \_\_\_\_\_

Respondent's gross annual salary \_\_\_\_\_

Applicant's other income (investments, rentals, trusts, etc.) *(Source, amount.)*

\_\_\_\_\_  
\_\_\_\_\_

Respondent's other income (investments, rentals, trusts, etc.) *(Source, amount.)*

\_\_\_\_\_  
\_\_\_\_\_

Urgent financial issues \_\_\_\_\_

\_\_\_\_\_

Do you currently own your residence? ☐ No -- renting a ☐ house ☐ apartment

☐ Yes -- How is title held? \_\_\_\_\_

-- Is it mortgaged? ☐ No ☐ Yes

-- outstanding balance \$ \_\_\_\_\_

List other assets owned by the parties and their values.

Applicant \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Respondent \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Joint \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Case conference brief (Form 80B.1), page 4

**PART 6: SUPPORT ISSUES**Is there an agreement or order for child support? ☐ No☐ Yes -- ☐ agreement ☐ order dated \_\_\_\_\_  
providing for \$ \_\_\_\_\_ per month total for \_\_\_\_\_ child(ren)Is the child support being paid? Give details. \_\_\_\_\_  
\_\_\_\_\_

Who else is supporting the children? \_\_\_\_\_

Is either party supporting a former spouse or children of another relationship?

☐ No ☐ Yes -- Give details. \_\_\_\_\_  
\_\_\_\_\_

Children for whom child support is being claimed

First name

Age

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Special or extraordinary expenses for the children, current or anticipated \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_Is spousal support currently being paid? ☐ No ☐ Yes -- By whom? \_\_\_\_\_

Amount? \$ \_\_\_\_\_ per month.

Is there a spousal support claim? ☐ No ☐ Yes -- By whom? \_\_\_\_\_

Amount? \$ \_\_\_\_\_ per month.

Case conference brief (Form 608.1), page 5

**PART 7: RECONCILIATION, MEDIATION AND ASSESSMENT**

Is there a possibility of reconciliation? ☐ No ☐ Yes. *(If yes, explain.)*

\_\_\_\_\_

Would you like information about counselling or guidance facilities? ☐ Yes ☐ No.

Have you attempted mediation? ☐ Yes ☐ No.

Has there been a custody or access assessment? ☐ No ☐ Yes -- What resulted from the assessment? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Are you willing to take part in mediation or a custody or access assessment?

☐ Yes ☐ No.

**PART 8: OTHER ISSUES**

Describe any remaining issues or concerns that the judge should be informed about.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What has to be done to move the matter to a conclusion?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_

Signature of party \_\_\_\_\_

Signature of lawyer \_\_\_\_\_

## Formule 69B.1

## MÉMOIRE VISANT LA CONFÉRENCE RELATIVE À LA CAUSE

**Cour de l'Ontario (Division générale)**  
**393, avenue University, Toronto M5G 1E6**

N° de dossier du tribunal

Formule 69B.1

**Mémoire visant la conférence  
relative à la cause**

Déposé par \_\_\_\_\_  
 (préciser le nom de la partie)

Date de la conférence relative à la cause : \_\_\_\_\_

**Requérant/  
Demandeur :** \_\_\_\_\_  
 (préciser le lien avec l'intimé)

**Défendeur/  
Intimé :** \_\_\_\_\_  
 (préciser le lien avec le requérant)

\_\_\_\_\_  
 (Nom et prénom officiels)

\_\_\_\_\_  
 (Nom et prénom officiels)

\_\_\_\_\_  
 (Domicile élu – rue, municipalité, code postal)

\_\_\_\_\_  
 (Domicile élu – rue, municipalité, code postal)

\_\_\_\_\_  
 (Numéros de téléphone et de télécopieur le jour)

\_\_\_\_\_  
 (Numéros de téléphone et de télécopieur le jour)

\_\_\_\_\_  
 (Nom de l'avocat)

\_\_\_\_\_  
 (Nom de l'avocat)

\_\_\_\_\_  
 (Nom, adresse, numéros de téléphone et de télécopieur de l'avocat)

\_\_\_\_\_  
 (Nom, adresse, numéros de téléphone et de télécopieur de l'avocat)

**PARTIE 1 : QUESTIONS EN LITIGE (Cocher les cases pertinentes.)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Garde des enfants           | <input type="checkbox"/> Aliments pour les enfants    | <input type="checkbox"/> Partage des biens   |
| <input type="checkbox"/> Droit de visite des enfants | <input type="checkbox"/> Aliments pour le conjoint    | <input type="checkbox"/> Propriété des biens |
| <input type="checkbox"/> Possession du foyer         | <input type="checkbox"/> Autre (Préciser ci-dessous.) |  |

Bref exposé des questions en litige :

Mémoire visent la conférence relative à la cause (formule 008.1), page 2

PARTIE 2 : MARIAGE/COHABITATION

Date du mariage/de la cohabitation : \_\_\_\_\_ Lieu du mariage : \_\_\_\_\_  
Âge actuel du requérant : \_\_\_\_\_ Âge actuel de l'intimé : \_\_\_\_\_ Nombre d'enfants : \_\_\_\_\_  
Le requérant était-il marié antérieurement? ☐ Non ☐ Oui -- date du divorce : \_\_\_\_\_  
L'intimé était-il marié antérieurement? ☐ Non ☐ Oui -- date du divorce : \_\_\_\_\_

PARTIE 3 : SÉPARATION

Date de la séparation : \_\_\_\_\_ Séparation(s) antérieure(s) :  
(dates) \_\_\_\_\_  
Tentatives de réconciliation. (Préciser.) \_\_\_\_\_  
\_\_\_\_\_  
Causes judiciaires antérieures au sujet de cette relation. (Donner la date, le nom du  
tribunal, le n° de dossier, des précisions.) \_\_\_\_\_  
\_\_\_\_\_  
Arrangements de séparation conclus verbalement ou par écrit entre les parties. (Indiquer  
la date et donner des précisions.) \_\_\_\_\_  
\_\_\_\_\_  
Quelles personnes habitent actuellement le foyer familial? \_\_\_\_\_  
Quand la partie qui n'habite pas actuellement le foyer l'a-t-elle quitté? \_\_\_\_\_  
Y avait-il des circonstances particulières? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mémoire visant la conférence relative à la couse (formule 69B.1), page 3

#### PARTIE 4 : ENFANTS

Nom

Âge, date de naissance

Année et école

Nom	Âge, date de naissance	Année et école

Avec qui les enfants habitent-ils aux termes des arrangements actuels? \_\_\_\_\_

Quels sont les arrangements actuels quant au droit de visite? \_\_\_\_\_

Y a-t-il des préoccupations ou des questions au sujet des enfants? Préciser. \_\_\_\_\_

Quels changements proposez-vous? \_\_\_\_\_

#### PARTIE 5 : RENSEIGNEMENTS D'ORDRE FINANCIER

Salaire annuel brut du requérant : \_\_\_\_\_

Salaire annuel brut de l'intimé : \_\_\_\_\_

Autres revenus du requérant (placements, locations, fiducies, etc.). (Source et montant.)

Autres revenus de l'intimé (placements, locations, fiducies, etc.). (Source et montant.)

Questions financières urgentes : \_\_\_\_\_

Mémoire visant la conférence relative à la cause (formule 908.1), page 4

Êtes-vous actuellement propriétaire de votre résidence?

☐ Non -- Je suis locataire ☐ d'une maison ☐ d'un appartement.

☐ Oui -- Sous quelle forme le titre de propriété est-il détenu? \_\_\_\_\_

-- Est-elle hypothéquée? ☐ Non ☐ Oui

-- Solde impayé : \_\_\_\_\_ \$.

Énumérer les autres éléments d'actif appartenant aux parties et donner leurs valeurs respectives.

Requérant : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Intimé : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

En commun : \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## PARTIE 6 : QUESTIONS RELATIVES AUX ALIMENTS

Existe-t-il une entente ou une ordonnance relative aux aliments pour les enfants? ☐ Non

☐ Oui -- ☐ entente ☐ ordonnance datée du \_\_\_\_\_

prévoyant au total \_\_\_\_\_ \$ par mois pour \_\_\_\_\_ enfant(s).

Les aliments pour les enfants sont-ils versés? Préciser. \_\_\_\_\_

\_\_\_\_\_

Qui d'autre verse des aliments aux enfants? \_\_\_\_\_

L'une ou l'autre partie verse-t-elle des aliments à un ancien conjoint ou à des enfants issus d'une autre relation? ☐ Non ☐ Oui -- Préciser. \_\_\_\_\_

\_\_\_\_\_

Mémoire visant la conférence relative à la cause (formule 698.1), page 5

Enfants à l'égard desquels des aliments sont demandés :

Prénom

Âge

Prénom	Âge

Dépenses spéciales ou extraordinaires à l'égard des enfants, actuelles ou prévues : \_\_\_\_\_


Des aliments pour le conjoint sont-ils versés actuellement? ☐ Non ☐ Oui

Par qui? \_\_\_\_\_ Montant? \_\_\_\_\_ \$ par mois.

Une demande d'aliments pour le conjoint a-t-elle été présentée? ☐ Non ☐ Oui

Par qui? \_\_\_\_\_ Montant? \_\_\_\_\_ \$ par mois.

## PARTIE 7 : RÉCONCILIATION, MÉDIATION ET ÉVALUATION

Y a-t-il une possibilité de réconciliation? ☐ Non ☐ Oui. *(Dans l'affirmative, expliquer.)*

Aimeriez-vous recevoir des renseignements sur les établissements qui offrent des services de consultation ou d'orientation? ☐ Oui ☐ Non.

Avez-vous eu recours à la médiation? ☐ Oui ☐ Non.

Une évaluation en matière de garde des enfants ou de droit de visite a-t-elle été effectuée? ☐ Non ☐ Oui -- Quels ont été les résultats de l'évaluation? \_\_\_\_\_




Mémoire visant la conférence relative à la cause (formule 808.1), page 8

Êtes-vous disposé(e) à prendre part à une médiation ou à une évaluation en matière de garde des enfants ou de droit de visite? ☐ Oui ☐ Non.

### **PARTIE 8 : AUTRES QUESTIONS**

Exposez les questions en litige ou préoccupations qui ne sont pas encore réglées et dont le juge devrait être informé.

---

---

---

---

---

Qu'est-ce qui doit être fait pour amener l'affaire à sa conclusion?

---

---

---

---

---

Date : \_\_\_\_\_ Signature de la partie : \_\_\_\_\_

Signature de l'avocat : \_\_\_\_\_

(2) Form 69B.1 is revoked on October 1, 1999.

(2) La formule 69.B1 est abrogée le 1<sup>er</sup> octobre 1999.

4. This Regulation comes into force on July 1, 1998.

4. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

22/98

**ONTARIO REGULATION 215/98**  
made under the  
**COURTS OF JUSTICE ACT**

Made: April 30, 1998  
Approved: May 13, 1998  
Filed: May 14, 1998

Amending Reg. 202 of R.R.O. 1990  
(Family Courts Rules)

Note: Since January 1, 1997, Regulation 202 has been amended by Ontario Regulation 429/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 202 of the Revised Regulations of Ontario, 1990 is amended by adding the following rule:**

**74.1 (1)** This rule applies where a person asks to vary only a provision of an interim or final order or an agreement that deals with child support and asks only for one or more of the following in the variation order:

1. An order that child support be paid, whether in accordance with the Child Support Guidelines or not, or an order that child support be terminated.
2. An order suspending, reducing or rescinding child support arrears.
3. An order setting a payment schedule for child support arrears.
4. Costs.

(2) Despite subrule 11 (2), a person who asks for a variation order described in subrule (1) shall do so by motion.

(3) Despite subrule 74 (2), the parties do not have to serve or file financial statements where they file an agreement in writing that financial statements are not required.

(4) Where the parties have agreed on the terms of a variation order and the terms include only the matters referred to in paragraphs 1 to 4 of subrule (1), they shall file a variation information form in Form 24.1, a consent in Form 24.2, four copies of a draft variation order, a stamped envelope addressed to each of the parties, a support deduction order information form prescribed by the regulations under the *Family Responsibility and Support Arrears Enforcement Act, 1996* and a draft support deduction order, but the parties do not need to serve or file a notice of motion.

(5) The variation information form shall have attached to it as exhibits,

- (a) a copy of any existing interim or final order or agreement that deals with child support;
- (b) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;

(c) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and

(d) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(6) Where,

(a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;

(b) the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;

(c) each party has custody of one or more children; or

(d) the payor's annual income as determined under the Child Support Guidelines is greater than \$150,000,

the variation information form shall also have attached to it as exhibits the following documents:

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.

2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.

3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(7) Where the parties agree that the court should make an order for support not in accordance with the Child Support Guidelines because special provisions in an order or agreement directly or indirectly benefit a child or because reasonable arrangements have been made for support, the parties shall provide the evidence necessary to satisfy the court that it should make the order asked for.

(8) Where the parties file the material required by subrules (4) to (7), they shall not appear in court and the clerk shall present the material to a judge.

(9) The judge may grant the order sought or may require one or both of the parties to file further material or to appear in court.

(10) Where the parties have not agreed on the terms of a variation order, notice of a variation motion shall be served, despite subrule 16 (3),

(a) at least 30 days before the date on which the motion is to be heard, where the responding party resides in Canada or the United States of America; or

(b) at least 60 days before the date on which the motion is to be heard, where the responding party resides elsewhere.

(11) Where the parties have not agreed on the terms of a variation order, the party asking for the variation order shall serve and file, with proof of service, a notice of motion and either a variation information and consent form or an affidavit that sets out the matters referred to in subrule 74 (3) and,

- (a) particulars of the change asked for in child support, including any special or extraordinary expenses and, where applicable, any contribution that the support recipient or the child could;
- (b) particulars of the change in circumstances relied on and the reason for the change asked for in child support;
- (c) particulars of the support payor's annual income and the Child Support Guidelines table amount for that income;
- (d) particulars of the support recipient's annual income where,
  - (i) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines,
  - (ii) the variation order asked for relates to a child over the age of 18 years,
  - (iii) the variation order asked for relates to a child for whom the payor stands in the place of a parent,
  - (iv) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year,
  - (v) each party has custody of one or more children, or
  - (vi) the party claims that support in accordance with the Child Support Guidelines would cause undue hardship;
- (e) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, the evidence required under subsection 10 (3) of the Child Support Guidelines; and
- (f) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines because of special provisions in an order or agreement that directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.

(12) The party responding to the motion shall serve and file, with proof of service, an affidavit that,

- (a) sets out any disagreement with the contents of the variation information form or affidavit served under subrule (11) and corrects any errors in it;
- (b) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, sets out the evidence required under subsection 10 (3) of the Child Support Guidelines; and
- (c) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines

because special provisions in an order or agreement directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.

(13) The payor shall attach as exhibits to the variation information form or affidavit required by subrule (11) or (12),

- (a) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;
- (b) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and
- (c) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(14) Where,

- (a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;
- (b) the variation order asked for relates to a child over the age of 18 years;
- (c) the variation order asked for relates to a child for whom the payor stands in the place of a parent;
- (d) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
- (e) each party has custody of one or more children; or
- (f) either party claims that support in accordance with the Child Support Guidelines would cause undue hardship,

the recipient shall attach the following documents as exhibits to the variation information form or affidavit required by subrule (11) or (12):

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.
2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.
3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(15) Where the court is of the opinion that a variation motion, whether or not on consent, can not be properly determined because of the material filed, because of the matters in dispute between the parties or for any other reason, the court may give directions accordingly, including an order for the trial of an issue.

**2. The Regulation is amended by adding the following forms:**

## Form 24.1

## VARIATION INFORMATION FORM

Court File Number

at

(Name of court)

Court office address

## Applicant(s)

Full legal name of applicant(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

## Respondent(s)

Full legal name of respondent(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Part 1: General Information** [Note: This part must be completed to the extent possible by the party asking for the variation order.]

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

## 1. Payor:

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)

**2. Recipient:**

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)

**3. Relationship dates regarding payor and recipient:**

(Complete relevant boxes.)

Married on	Separated on	Started living together on	Never lived together

**4. Child(ren):**

(List all children involved in this case, even if no claim is made for these children. Indicate for which children support is claimed in the final column)

Full legal name	Age	Birthdate	Resident in (municipality and province)	Now living with (name of person & relationship to child)	Support claimed for child (yes or no)

**5. Access Arrangements**

Name of Child	Access Arrangements

**6. Previous Order or Agreement:**

(Attach a copy of the existing order or agreement that deals with the child support to be varied.)

Date of order or agreement	Current child support payment	Other terms Re. child support (e.g., cost of living)	Spousal support payment, if applicable
	\$		\$

## 7. Arrears:

Child support arrears owing to recipient	Child support arrears owing to an agency (e.g., Ministry of Community and Social Services)	Spousal support owing to the recipient	Spousal support arrears owing to an agency (e.g., Ministry of Community and Social Services)
\$	\$	\$	\$

Has the support order or agreement ever been assigned (e.g., to the Ministry of Community and Social Services or a municipality)? \_\_\_\_\_. If so, provide details of the assignment known to you:

## 8. Variation Order Asked For:

I am the: ☐ support recipient ☐ support payor

I am asking for a change to our child support order/agreement because

- ☐ The order/agreement was made before the applicable Child Support Guidelines came into force
- ☐ The order/agreement was made after the applicable Child Support Guidelines came into force and there has been a change in circumstances that means child support should be a different amount. This change is:

---



---



---

I want the child support to be:

- ☐ The Child Support Guidelines table amount of (complete wherever possible) \$\_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of (complete wherever possible) \$\_\_\_\_\_ starting on (date) \_\_\_\_\_.
- ☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Child's Contribution (if any)	Termination Date (if known)
		\$	\$		

- ☐ An amount of \$\_\_\_\_\_ per month starting on \_\_\_\_\_ which is different from the Child Support Guidelines table amount because:

**Note:** Relevant attachments must accompany any item checked below, unless otherwise indicated

i. ☐ the parties consent

- ☐ Attached are reasons why this is a reasonable arrangement for child support.  
*(complete the following if the support recipient is in receipt of social assistance)*  
☐ *(If necessary)* The consent of the appropriate agency is attached.

ii. ☐ the parents have shared custody or access to the child/ren at least 40% of the time: see paragraphs 4 and 5 above

- ☐ Attached is the calculation of the support amount requested.  
☐ *(In consent cases)* Attached are reasons why this is a reasonable arrangement for child support.

iii. ☐ the parents have split custody of the child/ren: see paragraph 4 above

- ☐ Attached is the calculation of the support amount requested.

iv. ☐ a child is 18 years of age or older

- ☐ Attached is the calculation of the support amount requested.

v. ☐ the person paying support has an income of more than \$150,000 a year

- ☐ Attached is the calculation of the support amount requested.

vi. ☐ special provisions have been made for the child in an order or agreement

- ☐ Attached are details of the special provisions.

vii. ☐ the payor stands in place of the child's natural parent

- ☐ Attached are details of any other parent's legal duty to support the child and details of the calculation of the support amount requested.

viii. ☐ the Child Support Guidelines amount would cause undue hardship to me or the child/ren for whom support is claimed

- ☐ Attached is the comparison of household standards of living test.

I want arrears to be paid as follows:

- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at *(fixed date)* \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at *(fixed date)* \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.

Sworn/Affirmed before me at:

\_\_\_\_\_ municipality

in

\_\_\_\_\_ province, state or country

on

\_\_\_\_\_ date

\_\_\_\_\_ Commissioner for taking  
affidavits

*(Type or print name below if  
signature is illegible.)*

\_\_\_\_\_ Signature

*(Type or print name below if  
signature is illegible.)*

*(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)*

Court File Number

at

(Name of court)

Court office address

**Applicant(s)**

Full legal name of applicant(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Respondent(s)**

Full legal name of respondent(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Part 2: Information From the Support Payor**

My name is (full legal name)

I live in (municipality &amp; province)

and I swear/affirm that the following is true:

1. My total annual income is \$\_\_\_\_\_.
2. Based on my annual income, the Child Support Guidelines table amount for \_\_\_\_\_ child/ren is \$\_\_\_\_\_ per month.
3. ☐ My Financial Statement is attached.

(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in Form 24.2 )

*You must provide some new additional information to the court as a result of the Child Support Guidelines. This is because there is a new way of calculating the amount of child support under the guidelines. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 4 below.*

4. I attach the following income information relating to me:

- i. ☐ a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years



- ii. ☐ a copy of every notice of assessment or reassessment of the returns
- iii. ☐ (If you are an employee) proof of the current year's earnings from my employer as provided in clause 21(1)(c) of the Child Support Guidelines
- iv. ☐ (If you are self-employed, a partner in a partnership, control a corporation or are a beneficiary under a trust) the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines

Sworn/Affirmed before me at:

.....  
municipality

in

.....  
province, state or country

on

.....  
date

.....  
Commissioner for taking  
affidavits

(Type or print name below if  
signature is illegible.)

Signature

(Type or print name below if  
signature is illegible.)

(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)

Court File Number

\_\_\_\_\_  
 (Name of court)  
 at  
 \_\_\_\_\_  
 Court office address

**Applicant(s)**

\_\_\_\_\_  
 Full legal name of applicant(s)  
 \_\_\_\_\_  
 Address for service - street & number, municipality, postal code  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Name of lawyer and address, telephone & fax number  
 \_\_\_\_\_

**Respondent(s)**

\_\_\_\_\_  
 Full legal name of respondent(s)  
 \_\_\_\_\_  
 Address for service - street & number, municipality, postal code  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Name of lawyer and address, telephone & fax number  
 \_\_\_\_\_

**Part 3: Information From the Support Recipient**

*You may have to provide some new additional information to the court as a result of the Child Support Guidelines. This is because there is a new way of calculating the amount of child support under the Guidelines. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 2 below.*

My name is (full legal name)  
 I live in (municipality & province)  
 and I swear/affirm that the following is true:

*(Complete paragraphs 1 and 2 below only if:*

- *the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;*
- *the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;*
- *each party has custody of one or more children;*
- *the payor's annual income as determined under the Child Support Guidelines is greater than \$150,000; or*
- *either party claims that support in accordance with the Child Support Guidelines would cause undue hardship.*

1. My total annual income is \$ \_\_\_\_\_.

2. I attach the following income information relating to me:

- i. a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years

- ii. a copy of every notice of assessment or reassessment of the returns
- iii. *(If you are an employee)* proof of the current year's earnings from my employer as provided in clause 21(1)(c) of the Child Support Guidelines
- iv. *(If you are self-employed, a partner in a partnership, control a corporation or are a beneficiary under a trust)* the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines

3. ☐ My Financial Statement is attached.

*(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in Form 24.2)*

Sworn/Affirmed before me at:	<u>municipality</u>	<b>Signature</b> <i>(Type or print name below if signature is illegible.)</i>  <i>(This form is to be signed in front of a lawyer, justice of the peace, notary public, or commissioner for taking affidavits.)</i>
in	<u>province, state or country</u>	
on	<u>date</u>	
	<u>Commissioner for taking affidavits</u>  <i>(Type or print name below if signature is illegible.)</i>	

## Form 24.2

## VARIATION CONSENT FORM

Court File Number

\_\_\_\_\_ (Name of court)  
 at \_\_\_\_\_  
 \_\_\_\_\_ Court office address

Applicant(s)

Full legal name of applicant(s)

Respondent(s)

Full legal name of respondent(s)

**DO NOT SIGN THIS CONSENT UNTIL PARTS 1, 2, AND 3 OF THE VARIATION INFORMATION FORM HAVE BEEN COMPLETED AND THE NECESSARY DOCUMENTS ATTACHED. YOU SHOULD GET ADVICE FROM A LAWYER BEFORE SIGNING THIS CONSENT.**

1. I have read the Variation Information Form in this case and understand it.

2. I know I have the right to get advice from my own lawyer about this case.

3. ☐ We attach our Financial Statements;

or

☐ We agree not to file Financial Statements with the court.

(you do not need to complete paragraph 4 below if your case is under the Divorce Act).

4. ☐ The child support amount is not less than the amount that would be determined in accordance with the Child Support Guidelines.

or

☐ The child support is less than the amount that would be determined in accordance with the Child Support Guidelines. Public money (e.g. social assistance) ☐ is ☐ is not paid for the support of the child/ren.

5. I/We agree to a variation order in the following terms:

☐ Child Support Guidelines table amount of \$ \_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of \$ \_\_\_\_\_ starting on \_\_\_\_\_.

☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Termination Date (if known)
		\$	\$	



## ONTARIO REGULATION 216/98

made under the  
COURTS OF JUSTICE ACT

Made: April 30, 1998  
Approved: May 13, 1998  
Filed: May 14, 1998

Amending Reg. 199 of R.R.O. 1990  
(Rules of the Ontario Court (Provincial Division)  
in Family Law Proceedings)

Note: Since January 1, 1997, Regulation 199 has been amended by Ontario Regulation 428/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 199 of the Revised Regulations of Ontario, 1990 is amended by adding the following rule:**

**57.1** (1) This rule applies where a person asks to vary only a provision of an interim or final order or an agreement that deals with child support and asks only for one or more of the following in the variation order:

1. An order that child support be paid, whether in accordance with the Child Support Guidelines or not, or an order that child support be terminated.
2. An order suspending, reducing or rescinding child support arrears.
3. An order setting a payment schedule for child support arrears.
4. Costs.

(2) Despite rule 12, a person who asks for a variation order described in subrule (1) shall do so by motion.

(3) Despite subrule 57 (2), the parties do not have to serve or file financial statements where they file an agreement in writing that financial statements are not required.

(4) Where the parties have agreed on the terms of a variation order and the terms include only the matters referred to in paragraphs 1 to 4 of subrule (1), they shall file a variation information form in Form 21.1, a consent in Form 21.2, four copies of a draft variation order, a stamped envelope addressed to each of the parties, a support deduction order information form prescribed by the regulations under the *Family Responsibility and Support Arrears Enforcement Act, 1996* and a draft support deduction order, but the parties do not need to serve or file a notice of motion.

(5) The variation information form shall have attached to it as exhibits,

- (a) a copy of any existing interim or final order or agreement that deals with child support;
- (b) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;
- (c) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and
- (d) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(6) Where,

- (a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;
- (b) the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
- (c) each party has custody of one or more children; or
- (d) the payor's annual income as determined under the Child Support Guidelines is greater than \$150,000,

the variation information form shall also have attached to it as exhibits the following documents:

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.
2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.
3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(7) Where the parties agree that the court should make an order for support not in accordance with the Child Support Guidelines because special provisions in an order or agreement directly or indirectly benefit a child or because reasonable arrangements have been made for support, the parties shall provide evidence to satisfy the court that it should make the order asked for.

(8) Where the parties file the material required by subrules (4) to (7), they shall not appear in court and the clerk shall present the material to a judge.

(9) The judge may grant the order sought or may require one or both of the parties to file further material or to appear in court.

(10) Where the parties have not agreed on the terms of a variation order, notice of a variation motion shall be served, despite subrule 17 (2),

- (a) at least 30 days before the date on which the motion is to be heard, where the responding party resides in Canada or the United States of America; or
- (b) at least 60 days before the date on which the motion is to be heard, where the responding party resides elsewhere.

(11) Where the parties have not agreed on the terms of a variation order, the party asking for the variation order shall serve and file, with proof of service, a notice of motion and either a variation information and consent form or an affidavit that sets out the matters referred to in subrule 57 (3) and,

- (a) particulars of the change asked for in child support, including any special or extraordinary expenses and, where applicable, any contribution that the support recipient or the child could make;
- (b) particulars of the change in circumstances relied on and the reason for the change asked for in child support;
- (c) particulars of the support payor's annual income and the Child Support Guidelines table amount for that income;

- (d) particulars of the support recipient's annual income where,
- (i) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines,
  - (ii) the variation order asked for relates to a child over the age of 18 years,
  - (iii) the variation order asked for relates to a child for whom the payor stands in the place of a parent,
  - (iv) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year,
  - (v) each party has custody of one or more children, or
  - (vi) the party claims that support in accordance with the Child Support Guidelines would cause undue hardship;
- (e) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, the evidence required under subsection 10 (3) of the Child Support Guidelines; and
- (f) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines because of special provisions in an order or agreement that directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.

(12) The party responding to the motion shall serve and file, with proof of service, an affidavit that,

- (a) sets out any disagreement with the contents of the variation information form or affidavit served under subrule (11) and corrects any errors in it;
- (b) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, sets out the evidence required under subsection 10 (3) of the Child Support Guidelines; and
- (c) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines because of special provisions in an order or agreement that directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.

(13) The payor shall attach as exhibits to the variation information form or affidavit required by subrule (11) or (12),

- (a) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;
- (b) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and
- (c) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the mater-

ial referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(14) Where,

- (a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;
- (b) the variation order asked for relates to a child over the age of 18 years;
- (c) the variation order asked for relates to a child for whom the payor stands in the place of a parent;
- (d) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
- (e) each party has custody of one or more children; or
- (f) either party claims that support in accordance with the Child Support Guidelines would cause undue hardship,

the recipient shall attach the following documents as exhibits to the variation information form or affidavit required by subrule (11) or (12):

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.
2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.
3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(15) Where the court is of the opinion that a variation motion, whether or not on consent, can not be properly determined because of the material filed, because of the matters in dispute between the parties or for any other reason, the court may give directions accordingly, including an order for the trial of an issue.

**2. (1) The English version of Form 13 of the Regulation is amended by adding at the end of the last page:**

If a support order has been assigned to a government agency, a claim asking for a change to past or future support payments must also be served on that agency. If the agency is not served, it can have the changed order set aside and ask for costs.

**(2) The French version of Form 13 of the Regulation is amended by adding at the end of the last page:**

Si une ordonnance alimentaire a été cédée à un organisme gouvernemental, il faut signifier à celui-ci toute demande visant à faire modifier des versements d'aliments passés ou à venir. Si l'organisme ne reçoit pas signification de la demande, il peut demander l'annulation de l'ordonnance modifiée, ainsi que les dépens.

**3. The Regulation is amended by adding the following forms:**

## Form 21.1

## VARIATION INFORMATION FORM

Court File Number

\_\_\_\_\_

(Name of court)

at

\_\_\_\_\_

Court office address

**Applicant(s)**

\_\_\_\_\_

Full legal name of applicant(s)

\_\_\_\_\_

Address for service - street & number, municipality, postal code

\_\_\_\_\_

Name of lawyer and address, telephone & fax number

**Respondent(s)**

\_\_\_\_\_

Full legal name of respondent(s)

\_\_\_\_\_

Address for service - street & number, municipality, postal code

\_\_\_\_\_

Name of lawyer and address, telephone & fax number

**Part 1: General Information** [Note: This part must be completed to the extent possible by the party asking for the variation order.]

My name is (full legal name)

I live in (municipality & province)

and I swear/affirm that the following is true:

**1. Payor:**

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)



**2. Recipient:**

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)

**3. Relationship dates regarding payor and recipient:**

(Complete relevant boxes.)

Married on	Separated on	Started living together on	Never lived together

**4. Child(ren):**

(List all children involved in this case, even if no claim is made for these children. Indicate for which children support is claimed in the final column)

Full legal name	Age	Birthdate	Resident in (municipality and province)	Now living with (name of person & relationship to child)	Support claimed for child (yes or no)

**5. Access Arrangements**

Name of Child	Access Arrangements

**6. Previous Order or Agreement:**

(Attach a copy of the existing order or agreement that deals with the child support to be varied.)

Date of order or agreement	Current child support payment	Other terms Re. child support (e.g., cost of living)	Spousal support payment, if applicable
	\$		\$

## 7. Arrears:

Child support arrears owing to recipient	Child support arrears owing to an agency (e.g., Ministry of Community and Social Services)	Spousal support owing to the recipient	Spousal support arrears owing to an agency (e.g., Ministry of Community and Social Services)
\$	\$	\$	\$

Has the support order or agreement ever been assigned (e.g., to the Ministry of Community and Social Services or a municipality)? \_\_\_\_\_. If so, provide details of the assignment known to you:

## 8. Variation Order Asked For:

I am the: ☐ support recipient ☐ support payor

I am asking for a change to our child support order/agreement because

- ☐ The order/agreement was made before the applicable Child Support Guidelines came into force
- ☐ The order/agreement was made after the applicable Child Support Guidelines came into force and there has been a change in circumstances that means child support should be a different amount. This change is:

---



---



---

I want the child support to be:

- ☐ The Child Support Guidelines table amount of (complete wherever possible) \$\_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of (complete wherever possible) \$\_\_\_\_\_ starting on (date) \_\_\_\_\_.

- ☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Child's Contribution (if any)	Termination Date (if known)
		\$	\$		

- ☐ An amount of \$\_\_\_\_\_ per month starting on \_\_\_\_\_ which is different from the Child Support Guidelines table amount because:

*Note: Relevant attachments must accompany any item checked below, unless otherwise indicated.*

i. ☐ the parties consent

- ☐ Attached are reasons why this is a reasonable arrangement for child support.  
*(complete the following if the support recipient is in receipt of social assistance)*  
☐ *(If necessary)* The consent of the appropriate agency is attached.

ii. ☐ the parents have shared custody or access to the child/ren at least 40% of the time: see paragraphs 4 and 5 above

- ☐ Attached is the comparison of the support amount requested.  
☐ *(In consent cases)* Attached are reasons why this is a reasonable arrangement for child support.

iii. ☐ the parents have split custody of the child/ren: see paragraph 4 above

- ☐ Attached is the calculation of the support amount requested.

iv. ☐ a child is 18 years of age or older

- ☐ Attached is the calculation of the support amount requested.

v. ☐ the person paying support has an income of more than \$150,000 a year

- ☐ Attached is the calculation of the support amount requested.

vi. ☐ special provisions have been made for the child in an order or agreement

- ☐ Attached are details of the special provisions.

vii. ☐ the payor stands in place of the child's natural parent

- ☐ Attached are details of any other parent's legal duty to support the child and details of the calculation of the support amount requested.

viii. ☐ the Child Support Guidelines amount would cause undue hardship to me or the child/ren for whom support is claimed

- ☐ Attached is the comparison of household standards of living test.

I want arrears to be paid as follows:

- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at *(fixed date)* \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at *(fixed date)* \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.

Sworn/Affirmed before me at:

\_\_\_\_\_ municipality

in

\_\_\_\_\_ province, state or country

on

\_\_\_\_\_ date

\_\_\_\_\_ Commissioner for taking  
affidavits

*(Type or print name below if  
signature is illegible.)*

**Signature**

*(Type or print name below if  
signature is illegible.)*

*(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)*

Court File Number

at

(Name of court)

Court office address

**Applicant(s)**

Full legal name of applicant(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Respondent(s)**

Full legal name of respondent(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Part 2: Information From the Support Payor**

My name is (full legal name)

I live in (municipality &amp; province)

and I swear/affirm that the following is true:

1. My total annual income is \$\_\_\_\_\_.
2. Based on my annual income, the Child Support Guidelines table amount for \_\_\_\_\_ child/ren is \$\_\_\_\_\_ per month.
3. ☐ My Financial Statement is attached.

(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in Form 21.2 )

You must provide some new **additional** information to the court as a result of the Child Support Guidelines. This is because there is a new way of calculating the amount of child support under the guidelines. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 4 below.

4. I attach the following income information relating to me:

- i. ☐ a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years



Court File Number

(Name of court)

at

Court office address

**Applicant(s)**

Full legal name of applicant(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Respondent(s)**

Full legal name of respondent(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Part 3: Information From the Support Recipient**

You may have to provide some new **additional** information to the court as a result of the **Child Support Guidelines**. This is because there is a new way of calculating the amount of child support under the **Guidelines**. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 2 below.

My name is (full legal name)

I live in (municipality &amp; province)

and I swear/affirm that the following is true:

(Complete paragraphs 1 and 2 below only if:

- the variation order asked for is for an amount other than only the table amount under the **Child Support Guidelines**;
  - the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
  - each party has custody of one or more children;
  - the payor's annual income as determined under the **Child Support Guidelines** is greater than \$150,000; or
  - either party claims that support in accordance with the **Child Support Guidelines** would cause undue hardship.
1. My total annual income is \$\_\_\_\_\_.
  2. I attach the following income information relating to me:
    - i. a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years

- ii. a copy of every notice of assessment or reassessment of the returns
- iii. *(If you are an employee)* proof of the current year's earnings from my employer as provided in clause 21(1)(c) of the Child Support Guidelines
- iv. *(If you are self-employed, a partner in a partnership, control a corporation or are a beneficiary under a trust)* the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines

3. ☐ My Financial Statement is attached.

*(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in Form 21.2)*

Sworn/Affirmed before me at:

.....  
*municipality*

in

.....  
*province, state or country*

on

.....  
*date*

.....  
*Commissioner for taking  
affidavits*

*(Type or print name below if  
signature is illegible.)*

.....  
**Signature**

*(Type or print name below if  
signature is illegible.)*

*(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)*

## Formule 21.1

## FORMULE DE RENSEIGNEMENTS VISANT LA MODIFICATION

N° de dossier du tribunal

\_\_\_\_\_ (Nom du tribunal)

au \_\_\_\_\_

\_\_\_\_\_ Adresse du greffe

## Requérant(s)

..... Nom et prénoms officiels du/dues requérant(s)

..... Domicile élu - numéro et rue, municipalité, code postal

.....

..... Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

.....

## Intimé(s)

..... Nom et prénoms officiels de l'intimé/des intimés

..... Domicile élu - numéro et rue, municipalité, code postal

.....

..... Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

.....

**Partie 1 : Renseignements généraux** [Remarque : La présente partie doit être remplie, dans la mesure du possible, par la partie qui demande l'ordonnance modificative.]

Je m'appelle (nom et prénoms officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

## 1. Payeur :

Nom	Date de naissance	Résident(e) de (municipalité et province)	Lien actuel (marié(e), séparé(e), cohabite)



**2. Bénéficiaire :**

Nom	Date de naissance	Résident(e) de (municipalité et province)	Lien actuel (marié(e), séparé(e), cohabite)

**3. Dates relatives au lien entre le payeur et le bénéficiaire :**

(Remplir les cases pertinentes.)

Mariés le	Séparés le	Ont commencé à cohabiter le	N'ont jamais cohabité

**4. Enfant(s) :**

(Nommer tous les enfants visés par la cause, même si aucune demande n'a été présentée à leur égard. Indiquer quels enfants font l'objet d'une demande d'aliments dans la dernière colonne.)

Nom et prénoms officiels	Age	Date de naissan ce	Résident(e) de (municipalité et province)	Habite actuellement avec (nom de la personne et lien avec l'enfant)	Aliments demandés pour l'enfant (oui ou non)

**5. Arrangements quant à l'accès :**

Nom de l'enfant	Arrangements quant à l'accès

**6. Ordonnance ou accord antérieurs :**

(Joindre une copie de l'ordonnance ou de l'accord en vigueur qui porte sur l'ordonnance alimentaire à l'égard de l'enfant qui doit être modifiée.)

Date de l'ordonnance ou de l'accord	Versement actuel d'aliments pour les enfants	Autres conditions relatives aux aliments pour les enfants (p. ex. coût de la vie)	Versement d'aliments pour l'époux/l'épouse, le cas échéant
	\$		\$

**7. Arriérés :**

Arriéré d'aliments pour les enfants dû au bénéficiaire	Arriéré d'aliments pour les enfants dû à une administration (p. ex. le ministère des Services sociaux et communautaires)	Aliments pour l'époux/l'épouse dus au bénéficiaire	Aliments pour l'époux/l'épouse dus à une administration (p. ex. le ministère des Services sociaux et communautaires)
\$	\$	\$	\$

L'ordonnance alimentaire ou l'accord a-t-il déjà été cédé (p. ex. au ministère des Services sociaux et communautaires ou à une municipalité)? \_\_\_\_\_. Dans l'affirmative, donnez les précisions que vous connaissez au sujet de la cession :

**8. Ordonnance modificative demandée :**

Je suis : ☐ le bénéficiaire ☐ le payeur

Je demande la modification de notre ordonnance alimentaire/accord à l'égard de notre enfant parce que : —

- ☐ L'ordonnance a été rendue/L'accord a été conclu avant l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants qui sont applicables.
- ☐ L'ordonnance a été rendue/L'accord a été conclu après l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants qui sont applicables et il est survenu un changement de situation qui fait que le montant des aliments pour les enfants devrait être différent. Ce changement est le suivant :

Je veux que le montant des aliments pour les enfants soit l'un des montants suivants :

- ☐ Le montant prévu par la table des Lignes directrices sur les aliments pour les enfants (*remplir si possible*), soit \_\_\_\_\_ \$ par mois pour l'/les \_\_\_\_\_ enfant(s), établi selon le revenu annuel total du payeur de (*remplir si possible*), soit \_\_\_\_\_ \$, à compter du (*date*) \_\_\_\_\_.
- ☐ Le montant suivant des dépenses spéciales ou extraordinaires :

Nom de l'enfant	Type de dépense	Montant	Part du payeur	Contribution de l'enfant (le cas échéant)	Date de cessation de la dépense (si elle est connue)
		\$	\$	\$	

- ☐ Le montant de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_, lequel diffère du montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants parce que :

**Remarque :** Pour chaque case cochée ci-dessous, les documents pertinents doivent être joints, sauf indication contraire.

- i. ☐ les parties consentent
- ☐ L'exposé des raisons pour lesquelles l'arrangement en question à l'égard des aliments pour les enfants est raisonnable se trouve ci-joint.  
(Remplir ce qui suit si le bénéficiaire des aliments reçoit de l'aide sociale.)
  - ☐ (s'il y a lieu) Le consentement de l'administration compétente se trouve ci-joint.
- ii. ☐ le père et la mère ont la garde partagée de l'enfant ou des enfants ou ont un droit d'accès auprès de ceux-ci pendant au moins 40 pour cent du temps : voir les rubriques 4 et 5 ci-dessus
- ☐ La comparaison du montant d'aliments demandé se trouve ci-jointe.
  - ☐ (En cas de consentement) L'exposé des raisons pour lesquelles l'arrangement en question à l'égard des aliments pour les enfants est raisonnable se trouve ci-joint.
- iii. ☐ le père et la mère ont chacun la garde exclusive d'un ou de plusieurs enfants : voir la rubrique 4 ci-dessus
- ☐ Le calcul du montant d'aliments demandé se trouve ci-joint.

- iv. ☐ un enfant est âgé de 18 ans ou plus
  - ☐ Le calcul du montant d'aliments demandé se trouve ci-joint.
- v. ☐ la personne qui verse les aliments a un revenu de plus de 150 000 \$ par an
  - ☐ Le calcul du montant d'aliments demandé se trouve ci-joint.
- vi. ☐ des dispositions spéciales à l'égard de l'enfant ont été prévues dans une ordonnance ou un accord
  - ☐ Des précisions au sujet des dispositions spéciales se trouvent ci-jointes.
- vii. ☐ le payeur tient lieu de père naturel ou de mère naturelle de l'enfant
  - ☐ Des précisions au sujet de l'obligation légale qu'a un autre père ou une autre mère à l'égard du soutien alimentaire de l'enfant et le détail du calcul du montant d'aliments demandé se trouvent ci-joints.
- viii. ☐ le montant prévu par les Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives à moi-même ou à l'enfant/aux enfants à l'égard desquels des aliments sont demandés
  - ☐ La méthode de comparaison des niveaux de vie des ménages se trouve ci-jointe.

Je veux que l'arriéré soit versé de la façon suivante :

- ☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.
- ☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.
- ☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_.
- ☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_.

Déclaré sous serment/Affirmé  
solennellement devant moi à:

municipalité

en/  
à

province, État ou pays

le

date

commissaire aux affidavits

(Dactylographier ou écrire en  
caractères d'imprimerie le nom  
ci-dessous si la signature est  
illisible.)

signature

(Dactylographier ou écrire en  
caractères d'imprimerie le nom  
ci-dessous si la signature est  
illisible.)

(La présente formule doit être  
signée devant un avocat, un juge  
de paix, un notaire ou un  
commissaire aux affidavits.)

N° de dossier du tribunal

-----  
**Formule 21.1 -- Formule de renseignements visant la modification**  
 -----

au

(Nom du tribunal)

Adresse du greffe

**Requérant(s)**-----  
Nom et prénoms officiels du/ des requérant(s)-----  
Domicile élu - numéro et rue, municipalité, code postal-----  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat**Intimé(s)**-----  
Nom et prénoms officiels de l'intimé/ des intimés-----  
Domicile élu - numéro et rue, municipalité, code postal-----  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat**Partie 2 : Renseignements fournis par le payeur**

Je m'appelle (nom et prénoms officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

1. Mon revenu annuel total est de \_\_\_\_\_ \$.
2. Selon mon revenu annuel, le montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants à l'égard de \_\_\_\_\_ enfant(s) est de \_\_\_\_\_ \$ par mois.
3. ☐ Mon état financier se trouve ci-joint.

*(Remarque : Vous n'avez pas besoin de joindre un état financier si vous-même et l'autre partie/les autres parties avez signé l'acte de consentement rédigé selon la formule 21.2.)*

Vous devez fournir au tribunal de nouveaux renseignements supplémentaires par suite de l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants, et ce parce que celles-ci prévoient une nouvelle façon de calculer le montant des aliments pour les enfants. Les calculs sont déterminés au moyen d'une table des aliments fondée sur le revenu annuel du père ou de la mère qui verse les aliments et du nombre d'enfants ayant droit à des aliments. Dans certains cas, le revenu annuel du père ou de la mère qui reçoit les aliments est également pertinent; dans ces cas, le père ou la mère doit également fournir au tribunal les mêmes renseignements supplémentaires. Ces derniers sont énumérés sous la rubrique 4 ci-dessous.

4. Je joins les renseignements suivants concernant mon revenu :

- i. ☐ une copie des déclarations de revenus personnelles que j'ai déposées auprès de Revenu Canada pour les trois dernières années d'imposition
- ii. ☐ une copie des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations
- iii. ☐ (*Si vous êtes un employé*) une preuve de mes gains pour l'année en cours fournie par mon employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants
- iv. ☐ (*Si vous êtes un travailleur indépendant, êtes membre d'une société de personnes, contrôlez une société ou êtes bénéficiaire d'une fiducie*) les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants

Déclaré sous  
serment/Affirmé  
solennellement devant  
moi à:

.....  
*municipalité*

en/  
à

.....  
*province, État ou pays*

le

.....  
*date*

.....  
*commissaire aux affidavits*

.....  
**signature**

(Dactylographier ou écrire en caractères d'imprimerie le nom ci-dessous si la signature est illisible.)

(La présente formule doit être signée devant un avocat, un juge de paix, un notaire ou un commissaire aux affidavits.)

(Dactylographier ou écrire en caractères d'imprimerie le nom ci-dessous si la signature est illisible.)

N° de dossier du tribunal

Formule 21.1 -- Formule de  
renseignements visant la modification

au

(Nom du tribunal)

Adresse du greffe

Requérant(s)

Nom et prénoms officiels du/dues requérant(s)

Domicile élu - numéro et rue, municipalité, code postal

Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

Intimé(s)

Nom et prénoms officiels de l'intimé/s intimés

Domicile élu - numéro et rue, municipalité, code postal

Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

Partie 3 : Renseignements fournis par le bénéficiaire

*Vous devrez peut-être fournir au tribunal de nouveaux renseignements supplémentaires par suite de l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants, et ce parce que celles-ci prévoient une nouvelle façon de calculer le montant des aliments pour les enfants. Les calculs sont déterminés au moyen d'une table des aliments fondée sur le revenu annuel du père ou de la mère qui verse les aliments et du nombre d'enfants ayant droit à des aliments. Dans certains cas, le revenu annuel du père ou de la mère qui reçoit les aliments est également pertinent; dans ces cas, le père ou la mère doit également fournir au tribunal les mêmes renseignements supplémentaires. Ces derniers sont énumérés sous la rubrique 2 ci-dessous.*

Je m'appelle (nom et prénoms officiels)  
J'habite à (municipalité et province)  
et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

*Ne fournir les renseignements demandés sous les rubriques 1 et 2 ci-après que si, selon le cas :*

*l'ordonnance modificative demandée vise l'obtention d'un montant en plus de celui prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants;*

*l'ordonnance modificative demandée a trait à un enfant de plus de 18 ans, à un enfant auprès duquel le payeur tient lieu de père ou de mère ou à un enfant auprès duquel le payeur exerce un droit d'accès ou dont il a la garde physique pendant au moins 40 pour cent du temps au cours d'une année;*

*chaque partie a la garde d'un ou de plusieurs enfants;*

*le revenu annuel du payeur calculé conformément aux Lignes directrices sur les aliments pour les enfants est supérieur à 150 000 \$;*

*l'une ou l'autre partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives.*

1. Mon revenu annuel total est de \_\_\_\_\_ \$.
2. Je joins les renseignements suivants concernant mon revenu :
  - i. une copie des déclarations de revenus personnelles que j'ai déposées auprès de Revenu Canada pour les trois dernières années d'imposition
  - ii. une copie des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations
  - iii. *(si vous êtes un employé)* une preuve de mes gains pour l'année en cours fournie par mon employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants
  - iv. *(si vous êtes un travailleur indépendant, êtes membre d'une société de personnes, contrôlez une société ou êtes bénéficiaire d'une fiducie)* les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.
3. Mon état financier se trouve ci-joint.

*(Remarque : Vous n'avez pas besoin de joindre un état financier si vous-même et l'autre partie/les autres parties avez signé l'acte de consentement rédigé selon la formule 21.2.)*



Déclaré sous  
serment/Affirmé  
solennellement devant  
moi à:

en/  
à

le

<hr/>		<hr/>
<i>municipalité</i>		<b>signature</b>
		<i>(Dactylographier ou écrire en caractères d'imprimerie le nom ci-dessous si la signature est illisible.)</i>
<hr/>		
<i>province, État ou pays</i>		
		<i>(La présente formule doit être signée devant un avocat, un juge de paix, un notaire ou un commissaire aux affidavits.)</i>
<hr/>	<hr/>	
<i>date</i>	<i>commissaire aux affidavits</i>	
	<i>(Dactylographier ou écrire en caractères d'imprimerie le nom ci-dessous si la signature est illisible.)</i>	

## Form 21.2

## VARIATION CONSENT FORM

Court File Number

.....

\_\_\_\_\_

(Name of court)

at \_\_\_\_\_

\_\_\_\_\_

Court office address

Applicant(s)

.....  
Full legal name of applicant(s)

Respondent(s)

.....  
Full legal name of respondent(s)

**DO NOT SIGN THIS CONSENT UNTIL PARTS 1, 2, AND 3 OF THE VARIATION INFORMATION FORM HAVE BEEN COMPLETED AND THE NECESSARY DOCUMENTS ATTACHED. YOU SHOULD GET ADVICE FROM A LAWYER BEFORE SIGNING THIS CONSENT.**

1. I have read the Variation Information Form in this case and understand it.
2. I know I have the right to get advice from my own lawyer about this case.
3. ☐ We attach our Financial Statements;
- or
- ☐ We agree not to file Financial Statements with the court.
4. ☐ The child support amount is not less than the amount that would be determined in accordance with the Child Support Guidelines.
- or
- ☐ The child support is less than the amount that would be determined in accordance with the Child Support Guidelines. Public money (e.g. social assistance) ☐ is ☐ is not paid for the support of the child/ren.
5. I/We agree to a variation order in the following terms:

- ☐ Child Support Guidelines table amount of \$\_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of \$\_\_\_\_\_ starting on \_\_\_\_\_.

- ☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Termination Date (if known)
		\$	\$	

- ☐ An amount of \$\_\_\_\_\_ per month for the child/ren starting on \_\_\_\_\_ which is different from the Child Support Guidelines table amount.
- ☐ Arrears owing to \_\_\_\_\_ set at \$\_\_\_\_\_ as at (fixed date) \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ set at \$\_\_\_\_\_ as at (fixed date) \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$\_\_\_\_\_ per month starting on \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$\_\_\_\_\_ per month starting on \_\_\_\_\_.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date applicant signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date respondent signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of assignee representative

for

\_\_\_\_\_  
Name of assignee

\_\_\_\_\_  
Date signed (if applicable)

\_\_\_\_\_  
Print name of assignee representative

## Formule 21.2

## FORMULE DE CONSENTEMENT

N° de dossier du tribunal

(Nom du tribunal)

au

Adresse du greffe

Requérant(s)

Nom et prénoms officiels du/ des requérant(s)

Intimé(s)

Nom et prénoms officiels de l'intimé/ des intimés

**NE SIGNEZ LA PRÉSENTE FORMULE DE CONSENTEMENT QU'UNE FOIS QUE LES PARTIES 1, 2 ET 3 DE LA FORMULE DE RENSEIGNEMENTS VISANT LA MODIFICATION ONT ÉTÉ REMPLIES ET QUE LES DOCUMENTS NÉCESSAIRES ONT ÉTÉ JOINTS. VOUS DEVRIEZ CONSULTER UN AVOCAT AVANT DE SIGNER LA PRÉSENTE FORMULE.**

1. J'ai lu la formule de renseignements visant la modification dans le cadre de la présente cause et j'en comprends le sens.
2. Je sais que j'ai le droit de consulter mon avocat au sujet de la présente cause.
3. ☐ Nous annexons nos états financiers.
- ou
- ☐ Nous convenons de ne pas déposer d'états financiers auprès du tribunal.
4. ☐ Le montant des aliments pour les enfants n'est pas inférieur à celui qui serait déterminé conformément aux Lignes directrices sur les aliments pour les enfants.
- ou
- ☐ Le montant des aliments pour les enfants est inférieur à celui qui serait déterminé conformément aux Lignes directrices sur les aliments pour les enfants. Des fonds publics (par ex. des prestations d'aide sociale) ☐ sont versés ☐ ne sont pas versés au titre des aliments pour l'enfant/les enfants.
5. Je consens/Nous consentons à une ordonnance modificative aux conditions suivantes :

☐ Montant de \_\_\_\_\_ \$ par mois, prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants, à l'égard de \_\_\_\_\_ enfant(s), selon le revenu annuel du payeur qui est de \_\_\_\_\_ \$, à compter du \_\_\_\_\_.

☐ Montant des dépenses spéciales ou extraordinaires, selon ce qui suit :

Nom de l'enfant	Type de dépense	Montant	Part du payeur	Date de cessation de la dépense (si elle est connue)
		\$	\$	

☐ Un montant de \_\_\_\_\_ \$ par mois pour l'enfant/les enfants à compter du \_\_\_\_\_, lequel diffère du montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants.

☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_.

\_\_\_\_\_  
signature du requérant

\_\_\_\_\_  
date de la signature du requérant

\_\_\_\_\_  
témoin

\_\_\_\_\_  
signature de l'intimé

\_\_\_\_\_  
date de la signature de l'intimé

\_\_\_\_\_  
témoin

\_\_\_\_\_  
signature du représentant du cessionnaire  
(le cas échéant)

pour

\_\_\_\_\_  
nom du cessionnaire

\_\_\_\_\_  
date de la signature

\_\_\_\_\_  
nom du représentant du cessionnaire en lettres moulées

4. This Regulation comes into force on July 1, 1998.

**ONTARIO REGULATION 217/98****made under the  
COURTS OF JUSTICE ACT**

Made: April 30, 1998  
Approved: May 13, 1998  
Filed: May 14, 1998

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

**Note:** Since January 1, 1997, Regulation 194 has been amended by Ontario Regulations 118/97, 348/97, 427/97, 442/97, 171/98 and 214/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Rule 69 of Regulation 194 of the Revised Regulations of Ontario, 1990 is amended by adding the following rule:**

**MOTION TO VARY CHILD SUPPORT ORDER***Where Available*

**69.24.1** (1) This rule applies where a person asks to vary only a provision of an interim or final order that deals with child support and asks only for one or more of the following in the variation order:

1. An order that child support be paid, whether in accordance with the Child Support Guidelines or not, or an order that child support be terminated.
2. An order suspending, reducing or rescinding child support arrears.
3. An order setting a payment schedule for child support arrears.
4. Costs.

*Procedure by Motion*

(2) Despite subrule 69.24 (1) (variation by application), a person who asks for a variation order described in subrule (1) shall do so by motion.

(3) Subrules 69.24 (6.1) to (6.6) (assigned orders), (8), (9) and (11) to (13) (interprovincial variations) apply, with necessary modifications, to motions under this rule.

*Place for Motion*

(4) Despite rule 37.03 (place of hearing for motions), the notice of motion and other material required by this rule shall be filed and the motion shall be heard,

- (a) in the county where any party resides; or
- (b) in a county chosen by all parties, but only with the court's permission given in advance in that county.

*Service*

(5) The notice of motion and other material required by this rule shall be served in accordance with Rule 16 as if the notice of motion were an originating process.

*Financial Statements*

(6) The party asking for the variation order shall serve and file, with proof of service, a financial statement (short form) (Form 69M) and a notice to file financial statement (Form 69W) with the notice of motion.

**RÈGLEMENT DE L'ONTARIO 217/98**  
**pris en application de la  
LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 30 avril 1998  
approuvé le 13 mai 1998  
déposé le 14 mai 1998

modifiant le Règl. 194 des R.R.O. de 1990  
(Règles de procédure civile)

**Remarque :** Depuis le 1<sup>er</sup> janvier 1997, le Règlement 194 a été modifié par les Règlements de l'Ontario 118/97, 348/97, 427/97, 442/97, 171/98 et 214/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. La Règle 69 du Règlement 194 des Règlements refondus de l'Ontario de 1990 est modifiée par adjonction de la règle suivante :**

**MOTION VISANT À MODIFIER UNE ORDONNANCE ALIMENTAIRE À L'ÉGARD D'UN ENFANT***Applicabilité*

**69.24.1** (1) La présente règle s'applique si une personne ne demande que la modification d'une disposition d'une ordonnance provisoire ou définitive ayant trait aux aliments pour les enfants et ne demande qu'un ou plusieurs des éléments suivants dans l'ordonnance modificative :

1. Une ordonnance exigeant le versement d'aliments pour les enfants, qu'il soit fait conformément aux Lignes directrices sur les aliments pour les enfants ou non, ou une ordonnance visant à supprimer les aliments pour les enfants.
2. Une ordonnance qui suspend, réduit ou annule l'arriéré d'aliments pour les enfants.
3. Une ordonnance qui établit un calendrier des versements à l'égard de l'arriéré d'aliments pour les enfants.
4. Les dépens.

*Procédure par voie de motion*

(2) Malgré le paragraphe 69.24 (1) (modification par voie de requête), la personne qui demande une ordonnance modificative visée au paragraphe (1) le fait par voie de motion.

(3) Les paragraphes 69.24 (6.1) à (6.6) (ordonnances cédées), (8), (9) et (11) à (13) (modifications interprovinciales) s'appliquent, avec les adaptations nécessaires, aux motions visées par la présente règle.

*Lieu d'audition de la motion*

(4) Malgré la règle 37.03 (lieu d'audition des motions), l'avis de motion et les autres documents exigés par la présente règle sont déposés et la motion est entendue :

- a) soit dans le comté où réside la partie;
- b) soit dans le comté choisi par toutes les parties, mais seulement si le tribunal en donne l'autorisation au préalable dans ce comté.

*Signification*

(5) L'avis de motion et les autres documents exigés par la présente règle sont signifiés conformément à la Règle 16 comme si l'avis de motion constituait un acte introductif d'instance.

*États financiers*

(6) La partie qui demande l'ordonnance modificative signifie et dépose, avec la preuve de la signification, un état financier (version abrégée) (formule 69M) et un avis enjoignant de déposer un état financier (formule 69W), avec l'avis de motion.

(7) The other party shall serve and file, with proof of service, a financial statement (short form) within the time for serving and filing responding material, whether or not the other party intends to defend the motion.

(8) Where the other party does not comply with a notice to file financial statement, the party asking for the variation order may make a motion without notice for an order requiring the other party to serve and file a financial statement within a specified time.

(9) Where a financial statement is required to be served and filed under subrules (6) to (8), the registrar shall not accept the notice of motion or the responding material for filing without the financial statement.

(10) Despite subrules (6) to (9), the parties do not have to serve or file financial statements where they file an agreement in writing that financial statements are not required.

#### **Consent Variation—Materials to be Filed**

(11) Where the parties have agreed on the terms of a variation order and the terms include only the matters referred to in subrule (1), they shall file a variation information form (Form 69Z.1), a consent (Form 69Z.2), five copies of a draft variation order, a stamped envelope addressed to each of the parties, a support deduction order information form prescribed by the regulations under the *Family Responsibility and Support Arrears Enforcement Act, 1996* and a draft support deduction order, but the parties do not need to serve or file a notice of motion.

(12) The variation information form shall have attached to it as exhibits,

- (a) a copy of any existing interim or final order or agreement that deals with child support;
- (b) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;
- (c) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and
- (d) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(13) Where,

- (a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;
- (b) the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
- (c) each party has custody of one or more children; or
- (d) the payor's annual income as determined under the Child Support Guidelines is greater than \$150,000;

the variation information form shall also have attached to it as exhibits the following documents:

(7) L'autre partie signifie et dépose, avec la preuve de la signification, un état financier (version abrégée) dans le délai prévu pour signifier et déposer des documents de défense, que l'autre partie ait ou non l'intention de présenter une défense à la motion.

(8) Si l'autre partie ne se conforme pas à l'avis enjoignant de déposer un état financier, la partie qui demande l'ordonnance modificative peut présenter, sans préavis, une motion visant à obtenir une ordonnance enjoignant à l'autre partie de signifier et de déposer un état financier dans un délai précis.

(9) Si un état financier doit être signifié et déposé aux termes des paragraphes (6) à (8), le greffier n'accepte ni l'avis de motion ni les documents de défense aux fins de dépôt sans l'état financier.

(10) Malgré les paragraphes (6) à (9), les parties ne sont pas tenues de signifier ni de déposer des états financiers si elles déposent un accord écrit selon lequel les états financiers ne sont pas nécessaires.

#### **Modification sur consentement — documents à déposer**

(11) Si les parties ont convenu des conditions d'une ordonnance modificative et que ces conditions ne concernent que les questions visées au paragraphe (1), elles déposent une formule de renseignements visant la modification (formule 69Z.1), un acte de consentement (formule 69Z.2), cinq copies d'un projet d'ordonnance modificative, des enveloppes affranchies portant l'adresse de chacune des parties, une formule de renseignements relatifs à l'ordonnance de retenue des aliments prescrite par les règlements pris en application de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments* et un projet d'ordonnance de retenue des aliments. Les parties ne sont toutefois pas tenues de signifier ni de déposer d'avis de motion.

(12) Les documents suivants sont joints en tant que pièces à la formule de renseignements visant la modification :

- a) une copie de toute ordonnance provisoire ou définitive en vigueur ou de tout accord en vigueur qui porte sur les aliments pour les enfants;
- b) une copie des déclarations de revenus personnelles déposées par le payeur pour les trois dernières années d'imposition ainsi que des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations;
- c) si le payeur est un employé, une preuve de ses gains pour l'année en cours fournie par son employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants;
- d) si le payeur est un travailleur indépendant, est membre d'une société de personnes, contrôle une société ou est bénéficiaire d'une fiducie, les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.

(13) Si, selon le cas :

- a) l'ordonnance modificative demandée vise l'obtention d'un montant en plus de celui prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants;
- b) l'ordonnance modificative demandée a trait à un enfant de plus de 18 ans, à un enfant auprès duquel le payeur tient lieu de père ou de mère ou à un enfant auprès duquel le payeur exerce un droit d'accès ou dont il a la garde physique pendant au moins 40 pour cent du temps au cours d'une année;
- c) chaque partie a la garde d'un ou de plusieurs enfants;
- d) le revenu annuel du payeur calculé conformément aux Lignes directrices sur les aliments pour les enfants est supérieur à 150 000 \$,

les documents suivants sont également joints en tant que pièces à la formule de renseignements visant la modification :

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.
2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.
3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(14) Where the parties agree that the court should make an order not in accordance with the Child Support Guidelines because special provisions in an order or agreement directly or indirectly benefit a child or because reasonable arrangements have been made on consent for child support, the parties shall provide evidence to satisfy the court that it should make the order asked for.

#### *Consent Variation—Parties not to Appear*

(15) Where the parties file the material required by subrules (11) to (14), they shall not appear in court and the registrar shall present the material to a judge.

(16) The judge may grant the order sought or may require one or both of the parties to file further material or to appear in court.

#### *Variation not on Consent—Minimum Notice Period*

(17) Where the parties have not agreed on the terms of a variation order, notice of a variation motion shall be served, despite subrule 37.07 (6) (minimum notice period),

- (a) at least 30 days before the date on which the motion is to be heard, where the responding party resides in Canada or the United States of America; or
- (b) at least 60 days before the date on which the motion is to be heard, where the responding party resides elsewhere.

#### *Variation not on Consent—Materials to be Served*

(18) Where the parties have not agreed on the terms of a variation order, the party asking for the variation order shall serve and file, with proof of service, a notice of motion and either a variation information form or an affidavit that sets out,

- (a) the municipality and province where the parties and the children for whom support is payable or for whom support is asked ordinarily reside;
- (b) the name and birth date of each child for whom support is payable or is asked;
- (c) the current marital status of the parties;
- (d) particulars of current custody and access arrangements;
- (e) particulars of current child and spousal support arrangements, and a copy of any existing final order or agreement that deals with child support shall be attached as an exhibit to the affidavit;
- (f) particulars of any arrears of child or spousal support under an order or agreement;

1. Une copie des déclarations de revenus personnelles déposées par le bénéficiaire pour les trois dernières années d'imposition ainsi que des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations.
2. Si le bénéficiaire est un employé, une preuve de ses gains pour l'année en cours fournie par son employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants.
3. Tous autres documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.

(14) Si les parties conviennent que le tribunal devrait rendre une ordonnance qui n'est pas conforme aux Lignes directrices sur les aliments pour les enfants en raison des dispositions spéciales d'une ordonnance ou d'un accord qui accordent directement ou indirectement un avantage à un enfant ou en raison d'arrangements raisonnables conclus sur consentement à l'égard des aliments pour les enfants, elles fournissent les preuves nécessaires pour convaincre le tribunal qu'il devrait rendre l'ordonnance demandée.

#### *Modification sur consentement — non-comparution des parties*

(15) Si les parties déposent les documents exigés par les paragraphes (11) à (14), elles ne comparaissent pas devant le tribunal et le greffier présente les documents à un juge.

(16) Le juge peut accorder l'ordonnance demandée ou peut exiger que l'une des parties ou que les deux déposent d'autres documents ou comparaissent devant le tribunal.

#### *Modification sans consentement — délai minimal de signification*

(17) Si les parties n'ont pu convenir des conditions d'une ordonnance modificative, un avis de motion en modification est signifié, malgré le paragraphe 37.07 (6) (délai minimal de signification) :

- a) soit au moins 30 jours avant la date à laquelle la motion doit être entendue, si la partie intimée réside au Canada ou aux États-Unis d'Amérique;
- b) soit au moins 60 jours avant la date à laquelle la motion doit être entendue, si la partie intimée réside ailleurs.

#### *Modification sans consentement — documents à signifier*

(18) Si les parties n'ont pu convenir des conditions d'une ordonnance modificative, la partie qui demande l'ordonnance modificative signifie et dépose, avec la preuve de la signification, un avis de motion et soit une formule de renseignements visant la modification, soit un affidavit qui indique ou fournit ce qui suit :

- a) le nom de la municipalité et de la province où résident ordinairement les parties et les enfants à l'égard desquels des aliments sont payables ou demandés;
- b) les nom et date de naissance de chaque enfant à l'égard duquel des aliments sont payables ou demandés;
- c) l'état civil actuel des parties;
- d) des précisions au sujet des arrangements actuels quant à la garde et à l'accès;
- e) des précisions au sujet des arrangements actuels quant aux aliments pour les enfants et quant à ceux d'un époux, et une copie de toute ordonnance définitive en vigueur ou de tout accord en vigueur ayant trait aux aliments pour les enfants est jointe à l'affidavit en tant que pièce;
- f) des précisions au sujet de l'arriéré, le cas échéant, en ce qui concerne les aliments accordés aux enfants ou à un époux aux termes d'une ordonnance ou d'un accord;



- (g) whether the support order was assigned in accordance with subsection 20.1 (1) or its predecessor of the Act, and any particulars of the assignment known to the party asking for the variation order;
  - (h) particulars of the change asked for in child support, including any special or extraordinary expenses and where applicable, any contribution that the support recipient or the child could make;
  - (i) particulars of the change in circumstances relied on and the reason for the change asked for in child support;
  - (j) particulars of the support payor's annual income and the Child Support Guidelines table amount for that income;
  - (k) particulars of the support recipient's annual income where,
    - (i) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines,
    - (ii) the variation order asked for relates to a child over the age of 18 years,
    - (iii) the variation order asked for relates to a child for whom the payor stands in the place of a parent,
    - (iv) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year,
    - (v) each party has custody of one or more children, or
    - (vi) the party claims that support in accordance with the Child Support Guidelines would cause undue hardship;
  - (l) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, the evidence required under subsection 10 (3) of the Child Support Guidelines; and
  - (m) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines because of special provisions in an order or agreement that directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.
- (19) The party responding to the motion shall serve and file, with proof of service, an affidavit that,
- (a) sets out any disagreement with the contents of the variation information form or affidavit served under subrule (18) and corrects any errors in it;
  - (b) where the party claims that support in accordance with the Child Support Guidelines would cause undue hardship, sets out the evidence required under subsection 10 (3) of the Child Support Guidelines; and
  - (c) where the party claims that the court should make an order for support not in accordance with the Child Support Guidelines because of special provisions in an order or agreement that directly or indirectly benefit a child, the evidence necessary to satisfy the court that it should make the order asked for.
- g) la question de savoir si l'ordonnance alimentaire a été cédée conformément au paragraphe 20.1 (1) de la Loi ou à une disposition que celui-ci remplace, et toutes précisions au sujet de la cession que connaît la partie qui demande l'ordonnance modificative;
  - h) des précisions au sujet de la modification demandée concernant les aliments pour les enfants, y compris les dépenses spéciales ou extraordinaires et, le cas échéant, toute contribution que pourrait faire le bénéficiaire des aliments ou l'enfant;
  - i) des précisions au sujet du changement de situation invoqué et le motif de la modification des aliments pour les enfants qui a été demandée;
  - j) des précisions au sujet du revenu annuel du payeur et le montant correspondant à ce revenu dans la table figurant dans les Lignes directrices sur les aliments pour les enfants;
  - k) des précisions au sujet du revenu annuel du bénéficiaire des aliments si, selon le cas :
    - (i) l'ordonnance modificative demandée vise l'obtention d'un montant autre que celui prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants,
    - (ii) l'ordonnance modificative demandée a trait à un enfant de plus de 18 ans,
    - (iii) l'ordonnance modificative demandée a trait à un enfant à l'égard duquel le payeur tient lieu de père ou de mère,
    - (iv) l'ordonnance modificative demandée a trait à un enfant auprès duquel le payeur exerce un droit d'accès ou dont il a la garde physique pendant au moins 40 pour cent du temps au cours d'une année,
    - (v) chaque partie a la garde d'un ou de plusieurs enfants,
    - (vi) la partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives;
  - l) si la partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives, les preuves exigées aux termes du paragraphe 10 (3) des Lignes directrices sur les aliments pour les enfants;
  - m) si la partie prétend que le tribunal devrait rendre une ordonnance alimentaire qui n'est pas conforme aux Lignes directrices sur les aliments pour les enfants en raison des dispositions spéciales d'une ordonnance ou d'un accord qui accordent directement ou indirectement un avantage à un enfant, les preuves nécessaires pour convaincre le tribunal qu'il devrait rendre l'ordonnance demandée.
- (19) La partie qui répond à la motion signifie et dépose, avec la preuve de la signification, un affidavit qui :
- a) énonce tout désaccord avec le contenu de la formule de renseignements visant la modification ou de l'affidavit signifié aux termes du paragraphe (18) et corrige les erreurs qui s'y trouvent;
  - b) si la partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives, énonce les preuves exigées aux termes du paragraphe 10 (3) des Lignes directrices sur les aliments pour les enfants;
  - c) si la partie prétend que le tribunal devrait rendre une ordonnance alimentaire qui n'est pas conforme aux Lignes directrices sur les aliments pour les enfants en raison des dispositions spéciales d'une ordonnance ou d'un accord qui accordent directement ou indirectement un avantage à un enfant, les preuves nécessaires pour convaincre le tribunal qu'il devrait rendre l'ordonnance demandée.

(20) The payor shall attach as exhibits to the variation information form or affidavit required by subrule (18) or (19),

- (a) a copy of every personal income tax return filed by the payor for the three most recent taxation years and every notice of assessment or reassessment of the returns;
- (b) where the payor is an employee, proof of the current year's earnings from the payor's employer as provided in clause 21 (1) (c) of the Child Support Guidelines; and
- (c) where the payor is self-employed, is a partner in a partnership, controls a corporation or is a beneficiary under a trust, the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

(21) Where,

- (a) the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;
- (b) the variation order asked for relates to a child over the age of 18 years;
- (c) the variation order asked for relates to a child for whom the payor stands in the place of a parent;
- (d) the variation order asked for relates to a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;
- (e) each party has custody of one or more children; or
- (f) either party claims that support in accordance with the Child Support Guidelines would cause undue hardship,

the recipient shall attach the following documents as exhibits to the variation information form or affidavit required by subrule (18) or (19):

1. A copy of every personal income tax return filed by the recipient for the three most recent taxation years and every notice of assessment or reassessment of the returns.
2. Where the recipient is an employee, proof of the current year's earnings from the recipient's employer as provided in clause 21 (1) (c) of the Child Support Guidelines.
3. Any other material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines.

#### **Powers of Court**

(22) Where the court is of the opinion that a variation motion, whether or not on consent, can not be properly determined because of the material filed, because of the matters in dispute between the parties or for any other reason, the court may give directions accordingly, including an order under clause 37.13 (2) (b) (trial of issue).

2. Rule 70 of the Regulation is amended by adding the following rule:

(20) Le payeur joint en tant que pièces à la formule de renseignements visant la modification ou à l'affidavit qu'exige le paragraphe (18) ou (19) les documents suivants :

- a) une copie des déclarations de revenus personnelles déposées par le payeur pour les trois dernières années d'imposition ainsi que des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations;
- b) si le payeur est un employé, une preuve de ses gains pour l'année en cours fournie par son employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants;
- c) si le payeur est un travailleur indépendant, est membre d'une société de personnes, contrôle une société ou est bénéficiaire d'une fiducie, les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.

(21) Si, selon le cas :

- a) l'ordonnance modificative demandée vise l'obtention d'un montant autre que celui prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants;
- b) l'ordonnance modificative demandée a trait à un enfant de plus de 18 ans;
- c) l'ordonnance modificative demandée a trait à un enfant à l'égard duquel le payeur tient lieu de père ou de mère;
- d) l'ordonnance modificative demandée a trait à un enfant auprès duquel le payeur exerce un droit d'accès ou dont il a la garde physique pendant au moins 40 pour cent du temps au cours d'une année;
- e) chaque partie a la garde d'un ou de plusieurs enfants;
- f) l'une ou l'autre partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives,

le bénéficiaire joint en tant que pièces les documents suivants à la formule de renseignements visant la modification ou à l'affidavit qu'exige le paragraphe (18) ou (19) :

1. Une copie des déclarations de revenus personnelles déposées par le bénéficiaire pour les trois dernières années d'imposition ainsi que des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations.
2. Si le bénéficiaire est un employé, une preuve de ses gains pour l'année en cours fournie par son employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants.
3. Tous autres documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.

#### **Pouvoirs du tribunal**

(22) S'il est d'avis qu'une motion en modification, avec ou sans consentement, ne peut être jugée convenablement en raison des documents déposés, des questions en litige entre les parties ou pour toute autre raison, le tribunal peut donner des directives en conséquence, y compris rendre une ordonnance prévue à l'alinéa 37.13 (2) b) (instruction d'une question en litige).

2. La Règle 70 du Règlement est modifiée par adjonction de la règle suivante :

MOTION TO VARY CHILD SUPPORT ORDER

70.08.2 Rule 69.24.1 (motion to vary child support) applies, with necessary modifications, in respect of a support order made under the *Family Law Act* or the *Reciprocal Enforcement of Support Orders Act*.

3. The Regulation is amended by adding the following forms:

MOTION VISANT À MODIFIER UNE ORDONNANCE ALIMENTAIRE À L'ÉGARD D'UN ENFANT

70.08.2 La règle 69.24.1 (motion visant à modifier une ordonnance alimentaire à l'égard d'un enfant) s'applique, avec les adaptations nécessaires, à l'égard d'une ordonnance alimentaire rendue en vertu de la *Loi sur le droit de la famille* ou de la *Loi sur l'exécution réciproque des ordonnances alimentaires*.

3. Le Règlement est modifié par adjonction des formules suivantes :

Form 69Z.1

VARIATION INFORMATION FORM

Court File Number

\_\_\_\_\_

(Name of court)

at

\_\_\_\_\_

Court office address

Applicant(s)

Full legal name of applicant(s)

Address for service - street & number, municipality, postal code

Name of lawyer and address, telephone & fax number

Respondent(s)

Full legal name of respondent(s)

Address for service - street & number, municipality, postal code

Name of lawyer and address, telephone & fax number

Part 1: General Information [Note: This part must be completed to the extent possible by the party asking for the variation order.]

My name is (full legal name)  
I live in (municipality & province)  
and I swear/affirm that the following is true:

1. Payor:

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)

**2. Recipient:**

Name	Birthdate	Resident in (municipality and province)	Current relationship (married, separated, living together)

**3. Relationship dates regarding payor and recipient:**  
 (Complete relevant boxes.)

Married on	Separated on	Started living together on	Never lived together

**4. Child(ren):**

(List all children involved in this case, even if no claim is made for these children. Indicate for which children support is claimed in the final column)

Full legal name	Age	Birthdate	Resident in (municipality and province)	Now living with (name of person & relationship to child)	Support claimed for child (yes or no)

**5. Access Arrangements**

Name of Child	Access Arrangements

**6. Previous Order or Agreement:**

(Attach a copy of the existing order or agreement that deals with the child support to be varied.)

Date of order or agreement	Current child support payment	Other terms Re. child support (e.g., cost of living)	Spousal support payment, if applicable
	\$		\$

**7. Arrears:**

Child support arrears owing to recipient	Child support arrears owing to an agency (e.g., Ministry of Community and Social Services)	Spousal support owing to the recipient	Spousal support arrears owing to an agency (e.g., Ministry of Community and Social Services)
\$	\$	\$	\$

Has the support order or agreement ever been assigned (e.g., to the Ministry of Community and Social Services or a municipality)? \_\_\_\_\_. If so, provide details of the assignment known to you:

---

**8. Variation Order Asked For:**

I am the: ☐ support recipient ☐ support payor

I am asking for a change to our child support order/agreement because

- ☐ The order/agreement was made before the applicable Child Support Guidelines came into force
- ☐ The order/agreement was made after the applicable Child Support Guidelines came into force and there has been a change in circumstances that means child support should be a different amount. This change is:
- 
- 
- 

I want the child support to be:

- ☐ The Child Support Guidelines table amount of (complete wherever possible) \$\_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of (complete wherever possible) \$\_\_\_\_\_ starting on (date) \_\_\_\_\_.
- ☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Child's Contribution (if any)	Termination Date (if known)
		\$	\$		

- ☐ An amount of \$\_\_\_\_\_ per month starting on \_\_\_\_\_ which is different from the Child Support Guidelines table amount because:

**Note:** Relevant attachments must accompany any item checked below, unless otherwise indicated.

i. ☐ the parties consent

- ☐ Attached are reasons why this is a reasonable arrangement for child support. (complete the following if the support recipient is in receipt of social assistance)

- ☐ (If necessary) The consent of the appropriate agency is attached.
- ii. ☐ the parents have shared custody or access to the child/ren at least 40% of the time: see paragraphs 4 and 5 above
- ☐ Attached is the calculation of the support amount requested.
- ☐ (In consent cases) Attached are reasons why this is a reasonable arrangement for child support.
- iii. ☐ the parents have split custody of the child/ren: see paragraph 4 above
- ☐ Attached is the calculation of the support amount requested.
- iv. ☐ a child is 18 years of age or older
- ☐ Attached is the calculation of the support amount requested.
- v. ☐ the person paying support has an income of more than \$150,000 a year
- ☐ Attached is the calculation of the support amount requested.
- vi. ☐ special provisions have been made for the child in an order or agreement
- ☐ Attached are details of the special provisions.
- vii. ☐ the payor stands in place of the child's natural parent
- ☐ Attached are details of any other parent's legal duty to support the child and details of the calculation of the support amount requested.
- viii. ☐ the Child Support Guidelines amount would cause undue hardship to me or the child/ren for whom support is claimed
- ☐ Attached is the comparison of household standards of living test.

I want arrears to be paid as follows:

- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at (fixed date) \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ set at \$ \_\_\_\_\_ as at (fixed date) \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.
- ☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$ \_\_\_\_\_ per month starting on \_\_\_\_\_.

Sworn/Affirmed before me at:

in

on

date

\_\_\_\_\_ municipality

\_\_\_\_\_ province, state or country

\_\_\_\_\_  
Commissioner for taking  
affidavits

Signature

(Type or print name below if  
signature is illegible.)

(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)

(Type or print name below if  
signature is illegible.)

Court File Number

at

(Name of court)

Court office address

**Applicant(s)**

Full legal name of applicant(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Respondent(s)**

Full legal name of respondent(s)

Address for service - street &amp; number, municipality, postal code

Name of lawyer and address, telephone &amp; fax number

**Part 2: Information From the Support Payor****My name is** (full legal name)**I live in** (municipality & province)

and I swear/affirm that the following is true:

1. My total annual income is \$\_\_\_\_\_.
2. Based on my annual income, the Child Support Guidelines table amount for \_\_\_\_\_ child/ren is \$\_\_\_\_\_ per month.
3. ☐ My Financial Statement is attached.

(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in form 69Z.2 )

*You must provide some new additional information to the court as a result of the Child Support Guidelines. This is because there is a new way of calculating the amount of child support under the guidelines. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 4 below.*

4. I attach the following income information relating to me:
  - i. ☐ a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years
  - ii. ☐ a copy of every notice of assessment or reassessment of the returns

- iii. ☐ (If you are an employee) proof of the current year's earnings from my employer as provided in clause 21(1)(c) of the Child Support Guidelines
- iv. ☐ (If you are self-employed, a partner in a partnership, control a corporation or are a beneficiary under a trust) the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines

Sworn/Affirmed before me at:

.....  
municipality

in

.....  
province, state or country

on

.....  
date

.....  
Commissioner for taking  
affidavits

(Type or print name below if  
signature is illegible.)

.....  
**Signature**

(Type or print name below if  
signature is illegible.)

(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)



Court File Number

\_\_\_\_\_ (Name of court)  
at \_\_\_\_\_  
\_\_\_\_\_ Court office address

**Applicant(s)**

..... Full legal name of applicant(s)  
..... Address for service - street & number, municipality, postal code  
.....  
..... Name of lawyer and address, telephone & fax number  
.....

**Respondent(s)**

..... Full legal name of respondent(s)  
..... Address for service - street & number, municipality, postal code  
.....  
..... Name of lawyer and address, telephone & fax number  
.....

**Part 3: Information From the Support Recipient**

*You may have to provide some new additional information to the court as a result of the Child Support Guidelines. This is because there is a new way of calculating the amount of child support under the Guidelines. The calculations are determined by a support table that is based on the support paying parent's annual income and number of children entitled to support. In certain cases, the annual income of the receiving parent is also relevant. In these cases, the receiving parent must also provide the same additional information to the court. The additional information is listed at paragraph 2 below.*

**My name is** (full legal name)  
**I live in** (municipality & province)  
**and I swear/affirm that the following is true:**

*(Complete paragraphs 1 and 2 below only if:*

- the variation order asked for is for an amount other than only the table amount under the Child Support Guidelines;*
- the variation order asked for relates to a child over the age of 18 years, a child for whom the payor stands in the place of a parent or a child in respect of whom the payor has access or physical custody not less than 40 per cent of the time over the course of a year;*
- each party has custody of one or more children;*
- the payor's annual income as determined under the Child Support Guidelines is greater than \$150,000; or*
- either party claims that support in accordance with the Child Support Guidelines would cause undue hardship.*

1. My total annual income is \$\_\_\_\_\_.

2. I attach the following income information relating to me:

- i. a copy of every personal income tax return filed by me with Revenue Canada for the three most recent taxation years
- ii. a copy of every notice of assessment or reassessment of the returns

- iii. *(If you are an employee)* proof of the current year's earnings from my employer as provided in clause 21(1)(c) of the Child Support Guidelines
- iv. *(If you are self-employed, a partner in a partnership, control a corporation or are a beneficiary under a trust)* the material referred to in clauses 21 (1) (d) to (g) of the Child Support Guidelines

3. My Financial Statement is attached.

*(Note: You do not need to attach a financial statement if you and the other party/ies have signed a Consent in Form 69Z.2)*

Sworn/Affirmed before me at:

*municipality*

in

*province, state or country*

on

*date*

*Commissioner for taking  
affidavits*

*(Type or print name below if  
signature is illegible.)*

**Signature**

*(Type or print name below if  
signature is illegible.)*

*(This form is to be signed in  
front of a lawyer, justice of the  
peace, notary public, or  
commissioner for taking  
affidavits.)*

Form 69Z.2

VARIATION CONSENT FORM

Court File Number

\_\_\_\_\_

(Name of court)

at

\_\_\_\_\_

Court office address

Applicant(s) \_\_\_\_\_  
Full legal name of applicant(s)

Respondent(s) \_\_\_\_\_  
Full legal name of respondent(s)

DO NOT SIGN THIS CONSENT UNTIL PARTS 1, 2, AND 3 OF THE VARIATION INFORMATION FORM HAVE BEEN COMPLETED AND THE NECESSARY DOCUMENTS ATTACHED. YOU SHOULD GET ADVICE FROM A LAWYER BEFORE SIGNING THIS CONSENT.

1. I have read the Variation Information Form in this case and understand it.

2. I know I have the right to get advice from my own lawyer about this case.

3. ☐ We attach our Financial Statements;

or

☐ We agree not to file Financial Statements with the court.

(you do not need to complete paragraph 4 below if your case is under the Divorce Act)

4. ☐ The child support amount is not less than the amount that would be determined in accordance with the Child Support Guidelines.

or

☐ The child support is less than the amount that would be determined in accordance with the Child Support Guidelines. Public money (e.g. social assistance) ☐ is ☐ is not paid for the support of the child/ren.

5. I/We agree to a variation order in the following terms:

☐ Child Support Guidelines table amount of \$\_\_\_\_\_ per month for the \_\_\_\_\_ child/ren based on the payor's total annual income of \$\_\_\_\_\_ starting on \_\_\_\_\_.

☐ Special or extraordinary expenses as follows:

Child's Name	Kind of Expense	Amount	Payor's Portion	Termination Date (if known)
		\$	\$	

☐ An amount of \$\_\_\_\_\_ per month for the child/ren starting on \_\_\_\_\_ which is different from the Child Support Guidelines table amount.

☐ Arrears owing to \_\_\_\_\_ set at \$\_\_\_\_\_ as at (fixed date) \_\_\_\_\_.

☐ Arrears owing to \_\_\_\_\_ set at \$\_\_\_\_\_ as at (fixed date) \_\_\_\_\_.

☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$\_\_\_\_\_ per month starting on \_\_\_\_\_.

☐ Arrears owing to \_\_\_\_\_ to be paid at the rate of \$\_\_\_\_\_ per month starting on \_\_\_\_\_.

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date applicant signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Respondent's Signature

\_\_\_\_\_  
Date respondent signed

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Signature of assignee representative  
signed  
(if applicable)

for

\_\_\_\_\_  
Name of assignee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print name of assignee representative

Formule 69Z.1

FORMULE DE RENSEIGNEMENTS VISANT LA MODIFICATION

N° de dossier du tribunal

\_\_\_\_\_ (Nom du tribunal)  
au  
\_\_\_\_\_ Adresse du greffe

Requérant(s)

.....  
Nom et prénoms officiels du/ des requérant(s)  
.....  
Domicile élu - numéro et rue, municipalité, code postal  
.....  
.....  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat  
.....  
.....

Intimé(s)

.....  
Nom et prénoms officiels de l'intimé/ des intimés  
.....  
Domicile élu - numéro et rue, municipalité, code postal  
.....  
.....  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat  
.....  
.....

**Partie 1 : Renseignements généraux** [Remarque : La présente partie doit être remplie, dans la mesure du possible, par la partie qui demande l'ordonnance modificative.]

Je m'appelle (nom et prénoms officiels)  
J'habite à (municipalité et province)  
et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

**1. Payeur :**

Nom	Date de naissance	Résident(e) de (municipalité et province)	Lien actuel (marié(e), séparé(e), cohabite)

**2. Bénéficiaire :**

Nom	Date de naissance	Résident(e) de (municipalité et province)	Lien actuel (marié(e), séparé(e), cohabite)

**3. Dates relatives au lien entre le payeur et le bénéficiaire :**  
 (Remplir les cases pertinentes.)

Mariés le	Séparés le	Ont commencé à cohabiter le	N'ont jamais cohabité

**4. Enfant(s) :**

(Nommer tous les enfants visés par la cause, même si aucune demande n'a été présentée à leur égard. Indiquer quels enfants font l'objet d'une demande d'aliments dans la dernière colonne.)

Nom et prénoms officiels	Âge	Date de naissance	Résident(e) de (municipalité et province)	Habite actuellement avec (nom de la personne et lien avec l'enfant)	Aliments demandés pour l'enfant (oui ou non)

**5. Arrangements quant à l'accès :**

Nom de l'enfant	Arrangements quant à l'accès

**6. Ordonnance ou accord antérieurs :**

(Joindre une copie de l'ordonnance ou de l'accord en vigueur qui porte sur l'ordonnance alimentaire à l'égard de l'enfant qui doit être modifiée.)

Date de l'ordonnance ou de l'accord	Versement actuel d'aliments pour les enfants	Autres conditions relatives aux aliments pour les enfants (p. ex. coût de la vie)	Versement d'aliments pour l'époux/l'épouse, le cas échéant
	\$		\$

**7. Arriérés :**

Arriéré d'aliments pour les enfants dû au bénéficiaire	Arriéré d'aliments pour les enfants dû à une administration (p. ex. le ministère des Services sociaux et communautaires)	Aliments pour l'époux/l'épouse dus au bénéficiaire	Aliments pour l'époux/l'épouse dus à une administration (p. ex. le ministère des Services sociaux et communautaires)
\$	\$	\$	\$

L'ordonnance alimentaire ou l'accord a-t-il déjà été cédé (p. ex. au ministère des Services sociaux et communautaires ou à une municipalité)? \_\_\_\_\_. Dans l'affirmative, donnez les précisions que vous connaissez au sujet de la cession :

**8. Ordonnance modificative demandée :**

Je suis : ☐ le bénéficiaire ☐ le payeur

Je demande la modification de notre ordonnance alimentaire/accord à l'égard de notre enfant parce que :

- ☐ L'ordonnance a été rendue/L'accord a été conclu avant l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants qui sont applicables.
- ☐ L'ordonnance a été rendue/L'accord a été conclu après l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants qui sont applicables et il est survenu un changement de situation qui fait que le montant des aliments pour les enfants devrait être différent. Ce changement est le suivant :

Je veux que le montant des aliments pour les enfants soit l'un des montants suivants :

- ☐ Le montant prévu par la table des Lignes directrices sur les aliments pour les enfants (*remplir si possible*), soit \_\_\_\_\_ \$ par mois pour l'/les \_\_\_\_\_ enfant(s), établi selon le revenu annuel total du payeur de (*remplir si possible*), soit \_\_\_\_\_ \$, à compter du (*date*) \_\_\_\_\_.
- ☐ Le montant suivant des dépenses spéciales ou extraordinaires :

Nom de l'enfant	Type de dépense	Montant	Part du payeur	Contribution de l'enfant (le cas échéant)	Date de cessation de la dépense  (si elle est connue)
		\$	\$	\$	

- ☐ Le montant de \_\_\_\_\_ \$ par mois à compter du \_\_\_\_\_, lequel diffère du montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants parce que :

*Remarque : Pour chaque case cochée ci-dessous, les documents pertinents doivent être joints, sauf indication contraire.*

- i. ☐ les parties consentent
- ☐ L'exposé des raisons pour lesquelles l'arrangement en question à l'égard des aliments pour les enfants est raisonnable se trouve ci-joint.  
(Remplir ce qui suit si le bénéficiaire des aliments reçoit de l'aide sociale.)
  - ☐ (s'il y a lieu) Le consentement de l'administration compétente se trouve ci-joint.
- ii. ☐ le père et la mère ont la garde partagée de l'enfant ou des enfants ou ont un droit d'accès auprès de ceux-ci pendant eu moins 40 pour cent du temps : voir les rubriques 4 et 5 ci-dessus
- ☐ Le calcul du montant d'aliments demandé se trouve ci-joint.
  - ☐ (En cas de consentement) L'exposé des raisons pour lesquelles l'arrangement en question à l'égard des aliments pour les enfants est raisonnable se trouve ci-joint.
- iii. ☐ le père et la mère ont chacun la garde exclusive d'un ou de plusieurs enfants : voir la rubrique 4 ci-dessus
- ☐ Le calcul du montant d'aliments demandé se trouve ci-joint.



iv. ☐ un enfant est âgé de 18 ans ou plus

☐ Le calcul du montant d'aliments demandé se trouve ci-joint.

v. ☐ la personne qui verse les aliments a un revenu de plus de 150 000 \$ par an

☐ Le calcul du montant d'aliments demandé se trouve ci-joint.

vi. ☐ des dispositions spéciales à l'égard de l'enfant ont été prévues dans une ordonnance ou un accord

☐ Des précisions au sujet des dispositions spéciales se trouvent ci-jointes.

vii. ☐ le payeur tient lieu de père naturel ou de mère naturelle de l'enfant

☐ Des précisions au sujet de l'obligation légale qu'a un autre père ou une autre mère à l'égard du soutien alimentaire de l'enfant et le détail du calcul du montant d'aliments demandé se trouvent ci-joints.

viii. ☐ le montant prévu par les Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives à moi-même ou à l'enfant/aux enfants à l'égard desquels des aliments sont demandés

☐ La méthode de comparaison des niveaux de vie des ménages se trouve ci-jointe.

Je veux que l'arriéré soit versé de la façon suivante :

☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, établi à \_\_\_\_\_ \$ au (date fixée) \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ per mois à compter du \_\_\_\_\_.

☐ Arriéré dû à \_\_\_\_\_, à payer à raison de \_\_\_\_\_ \$ per mois à compter du \_\_\_\_\_.

Déclaré sous serment/Affirmé  
solennellement devant moi à :

en/à

\_\_\_\_\_ *municipalité*

\_\_\_\_\_ *signature*

(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)

\_\_\_\_\_ *province, État ou pays*

(La présente formule doit être signée devant  
un avocat, un juge de paix, un notaire ou un  
commissaire aux affidavits.)

le

\_\_\_\_\_ *date*

\_\_\_\_\_ *commissaire aux affidavits*

(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)

N° de dossier du tribunal

Formule 692.1 - Formula de renseignements  
visant la modification

\_\_\_\_\_ (Nom du tribunal)  
au  
\_\_\_\_\_ Adresse du greffe

## Requérant(s)

Nom et prénoms officiels du/de requérant(s)

Domicile élu - numéro et rue, municipalité, code postal

Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

## Intimé(s)

Nom et prénoms officiels de l'intimé/des intimés

Domicile élu - numéro et rue, municipalité, code postal

Nom, adresse, numéros de téléphone et de télécopieur de l'avocat

## Partie 2 : Renseignements fournis par le payeur

Je m'appelle (nom et prénoms officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

1. Mon revenu annuel total est de \_\_\_\_\_ \$.
2. Selon mon revenu annuel, le montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants à l'égard de \_\_\_\_\_ enfant(s) est de \_\_\_\_\_ \$ par mois.
3. ☐ Mon état financier se trouve ci-joint.

(Remarque : Vous n'avez pas besoin de joindre un état financier si vous-même et l'autre partie/les autres parties avez signé l'acte de consentement rédigé selon la formule 692.2.)

Vous devez fournir au tribunal de nouveaux renseignements supplémentaires per suite de l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants, et ce parce que celles-ci prévoient une nouvelle façon de calculer le montant des aliments pour les enfants. Les calculs sont déterminés au moyen d'une table des aliments fondée sur le revenu annuel du père ou de la mère qui verse les aliments et du nombre d'enfants ayant droit à des aliments. Dans certains cas, le revenu annuel du père ou de la mère qui reçoit les aliments est également pertinent; dans ces cas, le père ou la mère doit également fournir au tribunal les mêmes renseignements supplémentaires. Ces derniers sont énumérés sous la rubrique 4 ci-dessous.

4. Je joins les renseignements suivants concernant mon revenu :

- i. ☐ une copie des déclarations de revenus personnelles que j'ai déposées auprès de Revenu Canada pour les trois dernières années d'imposition
- ii. ☐ une copie des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations
- iii. ☐ (Si vous êtes un employé) une preuve de mes gains pour l'année en cours fournie par mon employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants
- iv. ☐ (Si vous êtes un travailleur indépendant, êtes membre d'une société de personnes, contrôlez une société ou êtes bénéficiaire d'une fiducie) les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants

Déclaré sous serment/Affirmé  
solennellement devant moi à :

\_\_\_\_\_ *municipalité*

\_\_\_\_\_ *signature*

en/à

(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)

\_\_\_\_\_ *province, État ou pays*

(La présente formule doit être signée devant  
un avocat, un juge de paix, un notaire ou un  
commissaire aux affidavits.)

le

\_\_\_\_\_ *date*

\_\_\_\_\_ *commissaire aux affidavits*

(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)

N° de dossier du tribunal

Formule 692.1 - Formule de renseignements  
visant la modification\_\_\_\_\_  
(Nom du tribunal)  
au\_\_\_\_\_  
Adresse du greffe**Requérant(s)**\_\_\_\_\_  
Nom et prénoms officiels du/dues requérant(s)\_\_\_\_\_  
Domicile élu - numéro et rue, municipalité, code postal\_\_\_\_\_  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat**Intimé(s)**\_\_\_\_\_  
Nom et prénoms officiels de l'intimé/intimés\_\_\_\_\_  
Domicile élu - numéro et rue, municipalité, code postal\_\_\_\_\_  
Nom, adresse, numéros de téléphone et de télécopieur de l'avocat**Partie 3 : Renseignements fournis par le bénéficiaire**

*Vous devrez peut-être fournir au tribunal de nouveaux renseignements supplémentaires par suite de l'entrée en vigueur des Lignes directrices sur les aliments pour les enfants, et ce parce que celles-ci prévoient une nouvelle façon de calculer le montant des aliments pour les enfants. Les calculs sont déterminés au moyen d'une table des aliments fondée sur le revenu annuel du père ou de la mère qui verse les aliments et du nombre d'enfants ayant droit à des aliments. Dans certains cas, le revenu annuel du père ou de la mère qui reçoit les aliments est également pertinent; dans ces cas, le père ou la mère doit également fournir au tribunal les mêmes renseignements supplémentaires. Ces derniers sont énumérés sous la rubrique 2 ci-dessous.*

Je m'appelle (nom et prénoms officiels)

J'habite à (municipalité et province)

et je déclare sous serment/j'affirme solennellement que ce qui suit est véridique :

*Ne fournir les renseignements demandés sous les rubriques 1 et 2 ci-après que si, selon le cas :*

- *l'ordonnance modificative demandée vise l'obtention d'un montant en plus de celui prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants;*
- *l'ordonnance modificative demandée a trait à un enfant de plus de 18 ans, à un enfant auprès duquel le payeur tient lieu de père ou de mère ou à un enfant auprès duquel le payeur exerce un droit d'accès ou dont il a la garde physique pendant au moins 40 pour cent du temps au cours d'une année;*
- *chaque partie a la garde d'un ou de plusieurs enfants;*
- *le revenu annuel du payeur calculé conformément aux Lignes directrices sur les aliments pour les enfants est supérieur à 150 000 \$;*
- *l'une ou l'autre partie prétend que le versement d'aliments conformément aux Lignes directrices sur les aliments pour les enfants causerait des difficultés excessives.*

1. Mon revenu annuel total est de \_\_\_\_\_ \$.

2. Je joins les renseignements suivants concernant mon revenu :

- i. une copie des déclarations de revenus personnelles que j'ai déposées auprès de Revenu Canada pour les trois dernières années d'imposition
- ii. une copie des avis de cotisation ou de nouvelle cotisation ayant trait à ces déclarations
- iii. *(si vous êtes un employé)* une preuve de mes gains pour l'année en cours fournie par mon employeur, comme le prévoit l'alinéa 21 (1) c) des Lignes directrices sur les aliments pour les enfants
- iv. *(si vous êtes un travailleur indépendant, êtes membre d'une société de personnes, contrôlez une société ou êtes bénéficiaire d'une fiducie)* les documents visés aux alinéas 21 (1) d) à g) des Lignes directrices sur les aliments pour les enfants.

3. Mon état financier se trouve ci-joint.

*(Remarque : Vous n'avez pas besoin de joindre un état financier si vous-même et l'autre partie/les autres parties avez signé l'acte de consentement rédigé selon la formule 69Z.2.)*

Déclaré sous serment/Affirmé  
solennellement devant moi à :

.....  
*municipalité*

*signature*

en/à

*(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)*

.....  
*province, État ou pays*

le

*(La présente formule doit être signée devant  
un avocat, un juge de paix, un notaire ou un  
commissaire aux affidavits.)*

.....  
*date*

.....  
*commissaire aux affidavits*

*(Dactylographier ou écrire en caractères  
d'imprimerie le nom ci-dessous si la  
signature est illisible.)*

## Formule 69Z.2

## FORMULE DE CONSENTEMENT

N° de dossier du tribunal

(Nom du tribunal)

au

Adresse du greffe

## Requérant(s)

Nom et prénoms officiels du/les requérant(s)

## Intimé(s)

Nom et prénoms officiels de l'intimé/les intimés

**NE SIGNEZ LA PRÉSENTE FORMULE DE CONSENTEMENT QU'UNE FOIS QUE LES PARTIES 1, 2 ET 3 DE LA FORMULE DE RENSEIGNEMENTS VISANT LA MODIFICATION ONT ÉTÉ REMPLIES ET QUE LES DOCUMENTS NÉCESSAIRES ONT ÉTÉ JOINTS. VOUS DEVRIEZ CONSULTER UN AVOCAT AVANT DE SIGNER LA PRÉSENTE FORMULE.**

1. J'ai lu la formule de renseignements visant la modification dans le cadre de la présente cause et j'en comprends le sens.

2. Je sais que j'ai le droit de consulter mon avocat au sujet de la présente cause.

3. ☐ Nous annexons nos états financiers.

ou

☐ Nous convenons de ne pas déposer d'états financiers auprès du tribunal.

*(Vous n'avez pas à répondre à la rubrique 4 ci-dessous si votre cause relève de la Loi sur le divorce (Canada).)*

4. ☐ Le montant des aliments pour les enfants n'est pas inférieur à celui qui serait déterminé conformément aux Lignes directrices sur les aliments pour les enfants.

4. This Regulation comes into force on July 1, 1998.

4. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

**ONTARIO REGULATION 218/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 14, 1998  
Filed: May 14, 1998

Revoking Reg. 210/98  
(Restricted Fire Zone)

**1. Ontario Regulation 210/98 is revoked effective as of 1700 hours E.D.T. on May 14, 1998.**

ROY VRANCART  
*Deputy Minister of Natural Resources*

Dated on May 14, 1998.

22/98

**ONTARIO REGULATION 219/98**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: May 13, 1998  
Filed: May 14, 1998

Amending O. Reg. 201/96  
(General)

**Note:** Since January 1, 1997, Ontario Regulation 201/96 has been amended by Ontario Regulations 27/97, 110/97, 299/97 and 83/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 11 of Ontario Regulation 201/96 is revoked and the following substituted:**

11. A strength and dosage form of a product that has been submitted for designation as an interchangeable product under the *Drug Interchangeability and Dispensing Fee Act* shall not be designated as a listed drug product unless the manufacturer submits the information required under section 12 and the following conditions are met:

1. If the original product is a listed product and there are no other interchangeable products already designated under the *Drug Interchangeability and Dispensing Fee Act*, the drug benefit price of the product proposed to the Minister under clause 12 (1) (e) must be less than or equal to 60 per cent of the drug benefit price, as set out in Part III of the Formulary, of the product with which it would be interchangeable.
2. If the original product is a listed product and there are other interchangeable products already designated under the *Drug Interchangeability and Dispensing Fee Act*, the drug benefit price of the product proposed to the Minister under clause 12 (1) (e) must be less than or equal to 54 per cent of the highest drug benefit price, as set out in Part III of the Formulary, from among the products with which the product would be interchangeable.
3. If the product is an original product that was but is no longer a listed drug product and if there are no other interchangeable products already designated under the *Drug Interchangeability and Dispensing Fee Act*, the drug benefit price of the product proposed to the Minister under clause 12 (1) (e) must be,

- i. less than or equal to 60 per cent of the drug benefit price of the original product that was set out in the Formulary immediately before its removal, or
- ii. if the original product was removed from the Formulary as a listed drug product before May 27, 1996, less than or equal to 60 per cent of the best available price that was set out in the Formulary immediately before the removal of the original product.

4. If the product is an original product that was but is no longer a listed drug product and if there are other interchangeable products already designated under the *Drug Interchangeability and Dispensing Fee Act*, the drug benefit price of the product proposed to the Minister under clause 12 (1) (e) must be,

- i. less than or equal to 54 per cent of the drug benefit price of the original product that was set out in the Formulary immediately before its removal, or
- ii. if the original product was removed from the Formulary as a listed drug product before May 27, 1996, less than or equal to 54 per cent of the best available price that was set out in the Formulary immediately before the removal of the original product.

22/98

**ONTARIO REGULATION 220/98**  
made under the  
**DRUG INTERCHANGEABILITY AND  
DISPENSING FEE ACT**

Made: May 13, 1998  
Filed: May 14, 1998

Amending Reg. 935 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 935 has been amended by Ontario Regulations 28/97, 111/97 and 300/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsection 7 (2) of Regulation 935 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(2) A strength and dosage form of a product shall not be designated as interchangeable with other products unless it meets the following conditions:

1. If the original product is a listed product and there are no other interchangeable products already designated, the drug benefit price of the product proposed to the Minister under clause 6 (1) (d.1) must be less than or equal to 60 per cent of the drug benefit price, as set out in Part III of the Formulary, of the product with which it would be interchangeable.
2. If the original product is a listed product and there are other interchangeable products already designated, the drug benefit price of the product proposed to the Minister under clause 6 (1) (d.1) must be less than or equal to 54 per cent of the highest drug benefit price, as set out in Part III of the Formulary, from among the products with which the product would be interchangeable.
3. If the product is an original product that was but is no longer a listed drug product under Ontario Regulation 201/96 and if there are no other interchangeable products already designated, the drug benefit price of the product proposed to the Minister under clause 6 (1) (d.1) must be,



- i. less than or equal to 60 per cent of the drug benefit price of the original product that was set out in the Formulary immediately before its removal, or
- ii. if the original product was removed from the Formulary as a listed drug product before May 27, 1996, less than or equal to 60 per cent of the best available price that was set out in the Formulary immediately before the removal of the original product.

22/98

4. If the product is an original product that was but is no longer a listed drug product under Ontario Regulation 201/96 and if there are other interchangeable products already designated, the drug benefit price of the product proposed to the Minister under clause 6 (1) (d.1) must be,

- i. less than or equal to 54 per cent of the drug benefit price of the original product that was set out in the Formulary immediately before its removal, or
- ii. if the original product was removed from the Formulary as a listed drug product before May 27, 1996, less than or equal to 54 per cent of the best available price that was set out in the Formulary immediately before the removal of the original product.

22/98

**ONTARIO REGULATION 221/98**  
made under the  
**ONTARIO DRUG BENEFIT ACT**

Made: May 13, 1998  
Filed: May 14, 1998

Amending O. Reg. 201/96  
(General)

Note: Since January 1, 1997, Ontario Regulation 201/96 has been amended by Ontario Regulations 27/97, 110/97, 299/97, 83/98 and 219/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Ontario Regulation 201/96 is amended by adding the following section:**

**12.0.1** In addition to the conditions referred to in sections 11 and 12, it is a condition for the designation of a strength and dosage form of a drug product on or after June 1, 1998 that the manufacturer of the product and the Minister enter into a written agreement which shall set out the net costs to the Province in the three-year period following the day the product is designated in relation to,

- (a) the proposed drug product, if listed; or
- (b) a group of listed drug products set out in the agreement which shall include the proposed drug product, if listed.

**2. Section 12.1 of the Regulation is amended by adding the following paragraph:**

- 4. In the case of a strength and dosage form of a drug product that is designated on or after June 1, 1998, the manufacturer of the product must continue to be a party to a written agreement which shall set out the net costs to the Province during subsequent three-year periods in relation to,

- i. the listed drug product; or
- ii. a group of listed drug products set out in the agreement which shall include the listed drug product.

**ONTARIO REGULATION 222/98**  
made under the  
**ONTARIO DISABILITY SUPPORT**  
**PROGRAM ACT, 1997**

Made: May 13, 1998  
Filed: May 15, 1998

**GENERAL**

**CONTENTS**

- 1. Definitions
- 2. Interpretation

**PART I**  
**ELIGIBILITY FOR INCOME SUPPORT**

- 3. Age of eligibility
- 4. Prescribed persons who are eligible
- 5. Review of disability determination
- 6. Employment assistance requirement: dependent adults
- 7. Absence from Ontario
- 8. Status in the country
- 9. Persons detained in custody
- 10. Home visits
- 11. Obligation to pursue resources
- 12. Information to be provided
- 13. Agreements to reimburse and assignments

**PART II**  
**APPLICATIONS FOR INCOME SUPPORT**

- 14. Form, etc., of application for income support
- 15. Consents required for application
- 16. Application signed and complete
- 17. Effective date of eligibility
- 18. New application for income support not required
- 19. Rapid reinstatement: persons with a disability
- 20. Rapid reinstatement: previous finding under F.B.A.
- 21. Enquiry into circumstances re income support

**PART III**  
**REFUSAL, CANCELLATION OR REDUCTION**  
**OF INCOME SUPPORT**

- 22. Assignment or transfer of assets
- 23. Non-compliance with conditions of eligibility
- 24. Non-compliance with employment assistance requirements
- 25. Offence related to social assistance
- 26. Re-application and reinstatement

**PART IV**  
**ASSETS**

- 27. Prescribed limits for assets
- 28. Determination of assets

**PART V  
CALCULATION AND PAYMENT OF  
INCOME SUPPORT**

29. General rule for calculation
30. General budgetary requirements
31. Shelter
32. Budgetary requirements for persons in institutions
33. Budgetary requirements in other cases
34. Reduction of budgetary requirements: co-residents
35. Reduction of budgetary requirements: persons detained in custody
36. Reduction of budgetary requirements: patient in a hospital
37. Calculating income: general rule
38. Treatment of earnings
39. Boarder and rental income
40. Sponsored immigrants
41. Exemptions: payments by Ontario
42. Exemptions: payments by Canada
43. Other exemptions

**PART VI  
BENEFITS**

44. Benefits
45. Extended health benefit

**PART VII  
GENERAL**

46. Verification of disability
47. Disability adjudication unit
48. Authorized prescriptions
49. Persons acting for a recipient
50. Payment to third party
51. Recovery of overpayments and deductions re money owed for family support, etc.
52. Minimum income support payable
53. Time and manner of payment of income support
54. Eligibility review officers
55. Securing and discharging a lien

**PART VIII  
REVIEWS AND APPEALS**

56. Notice of decision
57. Decisions that cannot be appealed
58. Request for internal review
59. Time and manner of conducting internal review
60. Decision on internal review
61. Time and manner of commencing appeal to Tribunal
62. Notification of appeal and written submissions
63. Notice of hearing
64. New medical evidence
65. Conduct of oral hearing of Tribunal
66. Interim assistance
67. Decision of Tribunal
68. Reconsideration by Tribunal
69. Subsequent appeal on same issue
70. Appeal to Divisional Court

71. Record for court

**PART IX  
COMMENCEMENT**

72. Commencement

**DEFINITIONS**

1. (1) For the purposes of the Act and the regulations,  
"child" means a person under 18 years of age;  
"dependant", in relation to an applicant or recipient, means,  
(a) a person who resides in the same dwelling place and who is,  
(i) the spouse of the applicant or recipient,  
(ii) a dependent child of the applicant or recipient or of his or her spouse, or  
(iii) a dependent adult of the applicant or recipient or of his or her spouse, or  
(b) a spouse who is absent from the dwelling place of the applicant or recipient if the absence is for a reason other than a breakdown in the relationship with no reasonable prospect of reconciliation;  
"geographic area" means a geographic area designated by the Minister under section 37 of the *Ontario Works Act, 1997*;  
"lawful place of confinement" includes a federal penitentiary, a provincial correctional facility, an open custody facility, a secure custody facility and a municipal lock up;  
"parent" includes a person who has demonstrated a settled intention to treat a child as a child of his or her family, except under an arrangement where the child is placed for valuable consideration in a foster home or a children's residence;  
"single person", with respect to an applicant or recipient, means a person with no dependants;  
"social assistance" includes income support under the *Ontario Disability Support Program Act, 1997*, assistance under the *Ontario Works Act, 1997* and payments under similar programs in other jurisdictions;  
"sole support parent", with respect to an applicant or recipient, means a person with one or more dependants and no spouse included in the benefit unit;  
"spouse", in relation to an applicant or recipient, means,  
(a) a person of the opposite sex to the applicant or recipient who together with the applicant or recipient have declared to the Director or an administrator under the *Ontario Works Act, 1997* that they are spouses,  
(b) a person who is required under a court order or domestic contract to support the applicant or recipient or any of his or her dependants,  
(c) a person who has an obligation to support the applicant or recipient or any of his or her dependants under section 30 or 31 of the *Family Law Act* whether or not there is a domestic contract or other agreement between the person and the applicant or recipient whereby they purport to waive or release such obligation to support, or  
(d) subject to subsection (3), a person of the opposite sex to the applicant or recipient who is residing in the same dwelling place

as the applicant or recipient if the social and familial aspects of the relationship between the person and the applicant or recipient amount to cohabitation and,

- (i) the person is providing financial support to the applicant or recipient,
- (ii) the applicant or recipient is providing financial support to the person, or
- (iii) the person and the applicant or recipient have a mutual agreement or arrangement regarding their financial affairs.

(2) For the purpose of the definition of "spouse", sexual factors shall not be investigated or considered in determining whether or not a person is a spouse.

(3) For the purpose of clause (d) of the definition of "spouse", unless the applicant or recipient provides evidence to satisfy the Director to the contrary, it is presumed that if a person of the opposite sex to the applicant or recipient is residing in the same dwelling place as the applicant or recipient, the person is the spouse of the applicant or recipient.

#### INTERPRETATION

2. (1) For the purposes of the Act and the regulations, a person is a dependent adult, in relation to an applicant or recipient if,

- (a) the applicant or recipient or the spouse included in the applicant's or recipient's benefit unit is the person's parent;
- (b) the person resides in the same dwelling place as the applicant or recipient or in accommodation owned or controlled by the applicant or recipient or his or her spouse included in the benefit unit;

(c) the person is 18 years of age or older;

(d) the person is not financially independent, as determined under subsection (2); and

(e) the person has not been determined to be a person with a disability or a member of a prescribed class.

(2) A person is financially independent if,

(a) the person resides with a person who would be his or her spouse if the person were an applicant or recipient or the person has resided with such a spouse at any time in the past;

(b) the person is eligible as a sole support student under the Ontario Student Assistance Program or has been so eligible at any time in the past;

(c) there have been one or more periods totalling at least two years in which,

(i) the person's net monthly income, as determined by the Director, other than income from support paid to or on behalf of the person, has been greater than the maximum amount of income assistance provided for a single person under the *Ontario Works Act, 1997*, or

(ii) the person's basic needs and shelter have been provided for by someone other than the person's parent, an institution that provides for the person's basic needs and shelter or social assistance; or

(d) in any month,

(i) the person's assets exceed the maximum amount of assets permitted for a single person under the *Ontario Works Act, 1997*, or

(ii) the person's net monthly income, as determined by the Director, other than income from support paid to or on behalf of the person, is greater than the maximum amount of income assistance provided for a single person under the *Ontario Works Act, 1997*.

(3) For the purposes of the Act and the regulations, a child is a dependent child, in relation to an applicant or recipient, if,

(a) the applicant or recipient or the spouse included in the applicant's or recipient's benefit unit is the child's parent;

(b) the child resides in the same dwelling place as the applicant or recipient;

(c) the applicant or recipient or the spouse included in the benefit unit,

(i) receives the Child Tax Benefit under section 122.6 of the *Income Tax Act (Canada)* on behalf of the child or a determination has been made under that Act that he or she is eligible to receive the Child Tax Benefit, or

(ii) if subclause (i) does not apply, the applicant, recipient or spouse is the parent with primary care and control of the child; and

(d) in the case of a child of school age, the child,

(i) is attending school or a program approved by the Director and, if over 16 years of age, is making satisfactory progress with his or her studies or program, or

(ii) is unable to attend school because of a physical or mental disability.

(4) A reference in a section of this Regulation to an "approved health professional" shall be deemed to be a reference to a person who is a member of a health profession that has been approved by the Director for the purpose of that section.

### PART I ELIGIBILITY FOR INCOME SUPPORT

#### AGE OF ELIGIBILITY

3. It is a condition of eligibility for income support that the applicant or recipient be at least 18 years of age.

#### PRESCRIBED PERSONS WHO ARE ELIGIBLE

4. (1) For the purpose of subsection 3 (1) of the Act, the following are prescribed classes:

1. Subject to subsection (2), persons who on May 31, 1998 were recipients of benefits under the *Family Benefits Act* under,

i. clause 7 (1) (c) or (e) of that Act or subsection 2 (5) of Regulation 366 of the Revised Regulations of Ontario, 1990,

ii. clause 7 (1) (a) or (b) of that Act or subsection 2 (1) or (11) of Regulation 366 of the Revised Regulations of Ontario, 1990, or

iii. subsection 2 (2) of Regulation 366 of the Revised Regulations of Ontario, 1990, so long as the person continues to qualify under that subsection as it read on May 31, 1998.

2. Persons 65 years of age or older and not eligible for a pension under the *Old Age Security Act* (Canada).
3. Residents in a facility designated as a psychiatric facility by section 1 of Regulation 744 of the Revised Regulations of Ontario, 1990 or a facility operated by the Addiction and Mental Health Services Corporation or the Homewood Health Center.
4. Residents in a facility designated under the *Developmental Services Act*.
5. Residents in a home for special care established, licensed or approved under the *Homes for Special Care Act*.
6. Persons in receipt of disability benefits under the *Canada Pension Plan*.

(2) Paragraph 1 of subsection (1) does not apply with respect to a person described in that paragraph who ceases to be eligible for income support unless section 20 applies.

(3) For the purpose of paragraph 6 of subsection (1), a person shall be deemed to be in receipt of disability benefits under the *Canada Pension Plan* for three months following the last month in which he or she receives those benefits.

#### REVIEW OF DISABILITY DETERMINATION

5. (1) When a determination is made under section 4 of the Act that a person is a person with a disability, the person making the determination shall set a review date for that determination unless he or she is satisfied that the person's impairment is not likely to improve.

(2) On a review of a determination, it may be found that a person is no longer a person with a disability.

#### EMPLOYMENT ASSISTANCE REQUIREMENT: DEPENDENT ADULTS

6. (1) It is a condition of eligibility for income support that a dependent adult complete a participation agreement under the *Ontario Works Act, 1997* and comply with Part III of Ontario Regulation 134/98 made under that Act if that Part would have applied to him or her if he or she had been a dependent adult under that Act.

(2) A dependent adult required to comply with the conditions of eligibility under subsection (1) shall be deemed to be a participant under the *Ontario Works Act, 1997*.

#### ABSENCE FROM ONTARIO

7. A person who is absent from Ontario for a period greater than 30 days is not eligible for income support unless the absence has been approved by the Director as necessary,

- (a) for reasons of health;
- (b) to enable the person to attend a post-secondary institution; or
- (c) because of exceptional circumstances.

#### STATUS IN THE COUNTRY

8. (1) The following persons are not eligible for income support:

1. Subject to subsection (2), a person against whom a deportation order has been made under the *Immigration Act* (Canada), or with respect to whom a departure order or exclusion order under that Act has become effective.

2. A person who is a visitor, unless the person has made a claim for refugee status or an application for status as a permanent resident under the *Immigration Act* (Canada).

3. A person who is a tourist.

(2) Paragraph 1 of subsection (1) does not apply with respect to a person if the Director is satisfied that,

- (a) for reasons wholly beyond the control of the person, the person is unable to leave the country; or
- (b) the person has made an application for status as a permanent resident under subsection 114 (2) of the *Immigration Act* (Canada).

#### PERSONS DETAINED IN CUSTODY

9. A person is not eligible for income support while the person,

- (a) is detained in a lawful place of confinement; or
- (b) is on temporary absence, parole or probation or serving a conditional sentence and is residing in a community residence funded in whole or in part by the Ministry of the Solicitor General and Correctional Services or Correctional Service Canada.

#### HOME VISITS

10. (1) The Director may request a visit to the home of a person applying for or receiving income support in order to verify initial or ongoing eligibility for income support.

(2) The Director shall determine on a random basis the persons whose homes are to be visited under this section and may request a visit with or without notice.

(3) A person visiting a home under this section shall not look at things that cannot be seen in plain view.

(4) A person is not eligible for income support if the Director has requested a visit to the person's home and the person has refused the visit and failed to satisfy the Director that there was a valid reason for the refusal.

(5) The Director may determine that there is not a valid reason for refusing a visit to the home if the person has previously refused visits to the home.

#### OBLIGATION TO PURSUE RESOURCES

11. (1) If the Director is not satisfied that a member of a benefit unit is making reasonable efforts to obtain compensation or realize a financial resource or income that the person may be entitled to or eligible for, the Director may determine that the person is not eligible for income support or reduce the amount of income support granted by the amount of the compensation, financial resource or income that in his or her opinion is available or would have been available had reasonable efforts been made to obtain or realize it.

(2) For the purpose of subsection (1),

- (a) any compensation or contribution to the support or maintenance of a member of the benefit unit that may result from an undertaking given with respect to that member under the *Immigration Act* (Canada) is compensation or a financial resource to which the person is entitled;
- (b) the proceeds of a loan guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or of a loan under the *Canada Student Financial Assistance Act* is a financial resource to which

a dependent adult is entitled if he or she is in full-time attendance at a post-secondary institution; and

- (c) a retirement pension under the Canada Pension Plan or the Quebec Pension Plan that is available to a person before the month in which the person attains 65 years of age is not a financial resource to which that person is entitled.

#### INFORMATION TO BE PROVIDED

12. (1) The Director shall determine that a person is not eligible for income support if the person fails to provide the information the Director requires to determine initial or ongoing eligibility for income support, including information with respect to,

- (a) new or changed circumstances;
- (b) disability or membership in a prescribed class;
- (c) the receipt or disposition of assets; and
- (d) the receipt or expected receipt of income or some other financial resource.

(2) The Director may require that a member of a benefit unit provide monthly reports respecting,

- (a) the income and assets of members of the benefit unit; and
- (b) any other conditions relevant to determining the person's eligibility.

(3) The Director may require that a member of a benefit unit provide an annual report respecting business assets and income from an interest in or operation of a business.

(4) A report under subsection (2) or (3) shall be prepared in a form and manner approved by the Director.

(5) If a person is required to complete and return a report under subsection (2) or (3) and fails to do so, the Director may determine that the person is ineligible for income support.

#### AGREEMENTS TO REIMBURSE AND ASSIGNMENTS

13. (1) If money is due and owing or may become due and owing to a member of a benefit unit that, if received, would be or would have been included as income for the purpose of calculating the income support payable for the benefit unit, the Director may require, as a condition of eligibility for income support, that the member of the benefit unit or the person authorized to act for that member agree in writing to reimburse all or any part of the income support paid when the money becomes payable.

(2) An agreement under subsection (1) may include,

- (a) a requirement to reimburse income support paid from the date of the event giving rise to the money being due and owing or becoming due and owing;
- (b) an authorization and direction to the person or agency by whom the money is payable to deduct and pay the money directly to Ontario; and
- (c) an assignment to Ontario of the right to be paid the money.

(3) An authorization and direction and assignment made under this section is irrevocable.

(4) If a person who has made an agreement under subsection (1) receives money to which the agreement applies, the person shall reimburse Ontario in accordance with the agreement for income support paid since the date of the event giving rise to the money being or becoming due and owing.

(5) If the amount reimbursed is attributable to a number of months, the amount reimbursed for each month shall be the lesser of,

- (a) that portion of the amount received that is attributable to that month; and
- (b) the amount of income support for that month.

(6) The agreement to reimburse, the authorization and direction and the assignment may be retrospective, prospective or both.

(7) Subsection (1) applies with respect to income or capital but does not apply to money that would be exempt as income or assets for the purpose of determining eligibility for income support.

(8) A member of a benefit unit is not ineligible for income support solely because a person or agency failed to deduct and remit money under an authorization and direction or an assignment made under this section, unless,

- (a) the failure to deduct and remit is caused by the member of the benefit unit; or
- (b) the member of the benefit unit received the money from the person or agency and failed to remit it to the Director in accordance with the agreement.

(9) For the purpose of subsection 14 (2) of the Act, the prescribed overpayment amount is the amount that would have been payable to the Director under an agreement made under subsection (1)

## PART II APPLICATIONS FOR INCOME SUPPORT

### FORM, ETC., OF APPLICATION FOR INCOME SUPPORT

14. (1) An application for income support shall be made to the Director in the form and manner approved by the Director.

(2) The Director may require an applicant to provide information necessary to determine and verify the applicant's eligibility for income support, including the following information with respect to any member of the benefit unit:

- 1. The person's social insurance number.
- 2. The person's health number under the *Health Insurance Act*.
- 3. Proof of the person's identity and of his or her birth date.
- 4. Information with respect to the person's income and assets.
- 5. Reports of persons described in section 46 relevant to a determination under section 4 of the Act.
- 6. Information with respect to the benefit unit's budgetary requirements.
- 7. Information regarding attendance and progress in an education or training program with respect to dependent adults required to satisfy conditions relating to employment assistance under the *Ontario Works Act, 1997*.
- 8. Information regarding employment and proposed employment assistance activities with respect to dependent adults required to

satisfy conditions relating to employment assistance under the *Ontario Works Act, 1997*.

9. Information with respect to the person's status in Canada.

CONSENTS REQUIRED FOR APPLICATION

15. (1) An application for income support shall include a consent to disclose and verify information signed by the applicant and his or her spouse included in the benefit unit.

(2) An application for income support shall, on the Director's request, include a consent to disclose and verify information signed by another dependant.

(3) A person may be required under subsection (1) or (2) to complete a consent in a form requested by a person or body from whom required information is to be collected.

(4) A member of a benefit unit who has signed a consent to disclose and verify information shall provide a new consent if requested to do so.

APPLICATION SIGNED AND COMPLETE

16. (1) An application for income support and all accompanying forms, other than reports required under paragraph 5 of subsection 14 (2), shall be signed by the applicant and the applicant's spouse included in the benefit unit.

(2) The application and all accompanying forms shall also be signed by other dependants if the Director so requests.

(3) The application is not complete until the application and all accompanying forms, agreements and consents have been completed and signed and have been provided, together with any required verification of information, to the Director.

(4) A responsible person may make an application on behalf of an applicant or sign an application on behalf of an applicant or the spouse of an applicant if the applicant or spouse is unable to make or sign the application by reason of disability.

(5) An application referred to in subsection 14 (1) that has not been completed within 90 days after a request under paragraph 1 of section 47 has been made shall be deemed to be withdrawn unless the Director approves a greater period of time for its completion.

EFFECTIVE DATE OF ELIGIBILITY

17. The effective date of an applicant's eligibility for income support is the later of,

- (a) the day on which the application is complete; and
- (b) the day that is four months before the Director determines the applicant's eligibility.

NEW APPLICATION FOR INCOME SUPPORT NOT REQUIRED

18. If, within one year before applying for income support, an applicant had previously applied for income support or for basic financial assistance under the *Ontario Works Act, 1997*, the Director may accept the previous application and supporting documentation as an application for income support and may require additional information to make the application complete and up to date.

RAPID REINSTATEMENT: PERSONS WITH A DISABILITY

19. (1) A previous finding under the Act that a person was a person with a disability shall be deemed to be a finding for the purpose of a new application.

(2) Subsection (1) does not apply if the previous finding was subject to a review date under section 5 and,

- (a) that date passed without a review being made; or
- (b) on a review, the person was found to be no longer a person with a disability.

RAPID REINSTATEMENT: PREVIOUS FINDING UNDER F.B.A.

20. A person who is a member of the class described in paragraph 1 of subsection 4 (1) shall be deemed to be a member of that prescribed class for the purpose of a new application if,

- (a) on or after June 1, 1998 the person is found to be ineligible for income support because his or her income from employment or a business results in income that exceeds his or her budgetary requirements;
- (b) the new application is made less than 12 months after the finding of ineligibility; and
- (c) if the person is described in subparagraph iii of that paragraph, the person continues to qualify under that subparagraph.

ENQUIRY INTO CIRCUMSTANCES RE INCOME SUPPORT

21. In determining the eligibility of an applicant who applies for income support, the Director shall make or cause to be made an enquiry into the living conditions and the financial and other circumstances of the members of the benefit unit.

PART III  
REFUSAL, CANCELLATION OR REDUCTION  
OF INCOME SUPPORT

ASSIGNMENT OR TRANSFER OF ASSETS

22. (1) If a member of an applicant's benefit unit has made an assignment or transfer of assets within the year preceding the date of the application and, in the opinion of the Director, the consideration for the assignment or transfer was inadequate or a purpose of the assignment or transfer was to reduce the value of assets in order to qualify for income support, the Director may,

- (a) determine that the applicant is not eligible for income support; or
- (b) reduce the amount of income support to compensate for the inadequate consideration or the value of the assets assigned or transferred.

(2) Subsection (1) applies with necessary modifications with respect to a recipient if a member of the recipient's benefit unit has made an assignment or transfer of assets within the year preceding the date of the recipient's application for income support or any time thereafter.

(3) If the Director has reason to believe that an assignment or transfer referred to in subsection (1) occurred more than a year before the date of the application and within three years before that date, he or she may inquire into the circumstances and may refuse or reduce income support under subsection (1) or (2).



## NON-COMPLIANCE WITH CONDITIONS OF ELIGIBILITY

23. (1) The Director shall refuse to provide income support to an applicant or cancel or reduce the income support provided to a recipient if a member of the benefit unit fails to comply with a condition of eligibility for income support under the Act or this Regulation other than a matter referred to in section 24 or 25.

(2) If the recipient is a single person, the income support shall be cancelled; if the recipient's benefit unit includes a dependant, the income support shall be reduced by an amount equal to the budgetary requirements and benefits for the person to whom subsection (1) applies.

(3) Income support shall be refused, cancelled or reduced under subsection (1) as long as the member of the benefit unit fails to comply with the condition of eligibility.

## NON-COMPLIANCE WITH EMPLOYMENT ASSISTANCE REQUIREMENTS

24. (1) The Director shall reduce the income support provided to a recipient in accordance with this section if a dependent adult who is required to satisfy conditions relating to employment assistance under the *Ontario Works Act, 1997*,

- (a) fails to comply with section 28 of Ontario Regulation 134/98;
- (b) refuses or fails to make reasonable efforts to participate in employment assistance activities required under section 29 of that Regulation other than participation in a substance abuse recovery program; or
- (c) resigns from employment without reasonable cause or is dismissed with cause from employment.

(2) The income support shall be reduced by an amount equal to the budgetary requirements and benefits for the dependent adult,

- (a) for six months if,
  - (i) clause (1) (a) or (b) applies and income support or assistance under the *Ontario Works Act, 1997* with respect to the dependent adult has been previously refused, cancelled or reduced for a reason referred to in one of those clauses, or
  - (ii) clause (1) (c) applies and income support or assistance under the *Ontario Works Act, 1997* with respect to the dependent adult has been previously refused, cancelled or reduced for a reason referred to in that clause; or
- (b) for three months otherwise.

(3) The three or six-month period referred to in subsection (2) shall be calculated from the date of,

- (a) the Director's decision based on a reason referred to in clause (1) (a) or (b); or
- (b) the resignation or dismissal referred to in clause (1) (c).

## OFFENCE RELATED TO SOCIAL ASSISTANCE

25. (1) The Director shall refuse to provide income support to an applicant or cancel or reduce the income support provided to a recipient if a member of the benefit unit has been convicted of a crime or an offence in relation to the receipt of,

- (a) income support under this Act;
- (b) assistance under the *Ontario Works Act, 1997*;

(c) benefits under the *Family Benefits Act*; or

(d) assistance under the *General Welfare Assistance Act*.

(2) If the recipient is a single person, the income support shall be cancelled; if the recipient's benefit unit includes a dependant, the income support shall be reduced by an amount equal to the budgetary requirements and benefits for the convicted person.

(3) Income support shall be refused, cancelled or reduced under this section,

- (a) for three months if it is a first conviction;
- (b) for six months with respect to any subsequent conviction for that person.

## RE-APPLICATION AND REINSTATEMENT

26. (1) If income support is refused or cancelled, it shall not be provided or re-instated until the period of ineligibility has expired and a new application has been made.

(2) Subject to subsection (3), if income support is reduced, it shall not be re-instated until the period of ineligibility has expired and the recipient or dependant with respect to whom the reduction was made makes a request for reinstatement to the Director.

(3) If, as a result of more than one reduction to income support, no income support is payable to a recipient, the income support shall be deemed to be cancelled.

PART IV  
ASSETS

## PRESCRIBED LIMITS FOR ASSETS

27. (1) The prescribed limit for assets for a benefit unit, for the purpose of clause 5 (1) (c) of the Act, is equal to the sum of,

- (a) \$5,000;
- (b) \$2,500, if there is a spouse included in the benefit unit; and
- (c) \$500 for each dependant other than a spouse.

(2) The Director may determine that the prescribed limit for assets for a benefit unit may be greater than the amount set out in subsection (1) if,

- (a) a member of the benefit unit accumulates assets having a value greater than the prescribed limit in order to purchase an item or service the Director considers necessary for the health of a member of the benefit unit or for disability related items or services approved by the Director; and
- (b) the greater amount is not greater than the sum of the prescribed limit for assets under subsection (1) and the amount allowed under clause (a).

## DETERMINATION OF ASSETS

28. (1) For the purpose of section 27, the following are not included as assets:

1. Subject to paragraph 2, a person's interest in the principal residence for the benefit unit.
2. If a person has an interest in property that includes his or her principal residence and the property is normally used for a pur-

pose other than as the principal residence for the benefit unit, that portion of the interest in the property that may reasonably be regarded as attributable to the principal residence, as determined by the Director.

3. An interest in one property other than a principal residence if the Director is satisfied that the property is necessary for the health or well-being of one or more members of the benefit unit.
4. That portion of the sale price of property that is or will be applied, with the approval of the Director, to the purchase of a principal residence for the benefit unit.
5. The amount remaining to be paid to a member of the benefit unit under a mortgage or agreement for sale.
6. With respect to a motor vehicle, the value of the person's interest in the motor vehicle.
7. If there is a second motor vehicle that is required to permit a dependant to maintain employment outside the home, the lesser of the value of the person's interest in it and \$15,000.
8. Tools of the trade that are essential to the employment of a member of the benefit unit.
9. Subject to paragraphs 10 and 11, for persons who have an interest in or operate a business, business assets that are necessary to the operation of that business, up to a maximum, for each such person and for each business, of \$20,000 or a greater amount approved by the Director.
10. If more than one person in the benefit unit has an interest in or operates the same business, the amount under paragraph 9 for that business shall not exceed \$20,000 or the greater amount approved by the Director.
11. If one person in the benefit unit has an interest in or operates more than one business, the amount under paragraph 9 for that person shall not exceed \$20,000 or the greater amount approved by the Director.
12. That portion of a student loan, grant or award approved by the Director, so long as the person for whose benefit the loan, grant or award is provided remains in attendance in the program of study for which it is intended.
13. A prepaid funeral.
14. Subject to subsection (2), an amount received as damages or compensation for,
  - i. pain and suffering as a result of injury to or the death of a member of the benefit unit, or
  - ii. expenses actually and reasonably incurred or to be incurred as a result of injury to or the death of a member of the benefit unit.
15. A payment received under any of the following agreements to which the Province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.

16. A payment received under the Extraordinary Assistance Plan (Canada).
17. An interest in property of an applicant, recipient, spouse included in the benefit unit or dependent adult, other than an interest described in paragraph 1 or 3,
  - i. if the person with the interest in the property is making reasonable efforts to sell his or her interest, for a period of six months after the later of the day eligibility for income support is determined and the day the interest in property is acquired, and
  - ii. after that six-month period if the person with the interest in the property has consented to Ontario having a lien against the property and is making reasonable efforts to sell his or her interest.
18. An interest in property of a dependent child, other than an interest described in paragraph 1 or 3, if,
  - i. reasonable efforts are being made to sell the property, and
  - ii. if it is property described in subsection 7 (2) of the Act, the person who has authority to consent to a lien against the property has consented to the lien.
19. Subject to subsection (3), the person's beneficial interest in assets held in one or more trusts and available to be used for maintenance if the capital of the trusts is derived from an inheritance or from the proceeds of a life insurance policy.
20. Subject to subsection (3), the cash surrender value of life insurance policies.
21. The amount of a loan taken against a life insurance policy if that amount is or will be used for disability related items and services approved by the Director.
  - (2) The amount under paragraph 14 of subsection (1) shall not exceed \$100,000 unless the Director is satisfied that the amount exceeding \$100,000 is paid with respect to expenses referred to in subparagraph ii of that paragraph.
  - (3) The total amount allowed under paragraphs 19 and 20 of subsection (1) shall not exceed \$100,000.

## PART V CALCULATION AND PAYMENT OF INCOME SUPPORT

### GENERAL RULE FOR CALCULATION

29. (1) The amount of income support for a benefit unit shall be calculated on a monthly basis by determining the budgetary requirements of the benefit unit in accordance with sections 30 to 33, reducing that amount in accordance with sections 34 to 36 and subtracting from that amount the income of the benefit unit, determined in accordance with sections 37 to 43.
- (2) Despite subsection (1), the budgetary requirements for a recipient in the month of the effective date of his or her eligibility under section 17,
  - (a) with respect to shelter, shall be deemed to be the lesser of,
    - (i) the amount the Director has determined for one full month's shelter costs, and
    - (ii) the amount of the recipient's actual shelter costs that remains unpaid on that effective date; and



- (b) with respect to basic needs, shall be prorated based on the number of days remaining in the month beginning with that effective date.

## GENERAL BUDGETARY REQUIREMENTS

30. (1) The budgetary requirements for an applicant or recipient to whom sections 32 and 33 do not apply shall be equal to the sum of the following amounts:

1. The amount payable for basic needs determined in accordance with the following Table:

TABLE

Number of Dependants other than a Spouse	Dependants 13 Years and Over	Dependants 0-12 Years	Recipient See Note 1, below	Recipient and Spouse See Note 2, below	Recipient and Spouse See Note 3, below
0	0	0	\$516	\$765	\$1,032
1	0	1	772	875	1,142
	1	0	823	921	1,188
2	0	2	882	1,002	1,269
	1	1	933	1,048	1,315
	2	0	979	1,095	1,362

For each additional dependant, add \$174 if the dependant is 13 years of age or over and \$127 if the dependant is less than 13 years of age.

Note 1. A recipient if there is no spouse included in the benefit unit.

Note 2. A recipient with a spouse included in the benefit unit if Note 3 does not apply.

Note 3. A recipient and spouse both of whom are a person with a disability or a person referred to in subparagraph i of paragraph 1 of subsection 4 (1) or paragraph 6 of subsection 4 (1).

2. If the applicant or recipient resides north of the 50th parallel and is without year round road access, an amount determined in accordance with the following Table:

TABLE

Number of Dependants other than a Spouse	Recipient	Recipient and Spouse
0	\$135	\$225
1	224	264
2	261	301

For each additional dependant, add \$37.

3. The amount payable for the cost of shelter calculated under section 31.
4. If an approved health professional certifies that a member of the benefit unit requires a special diet and signs a statement setting out in detail the special diet required, an amount that is the lesser of,
- the additional cost required to provide the special diet, and
  - \$250.

(2) The total amount paid under paragraphs 1 and 3 of subsection (1) with respect to a recipient and his or her spouse shall not exceed \$1,560.

## SHELTER

31. (1) In this section,

"shelter" means the cost for a dwelling place used as a principal residence with respect to any of the following:

- Rent, other than amounts paid for parking and cable.
- Principal and interest on a mortgage or loan incurred to purchase the dwelling place or to make repairs that the Director determines are necessary in order for the property to continue to be used as a dwelling place.
- Occupancy costs paid under an agreement to purchase the dwelling place.
- Taxes.
- Premiums for an insurance policy with respect to the dwelling place or its contents.
- Reasonable and necessary payments, approved by the Director, for the preservation, maintenance and use of the dwelling place.
- Common expenses required to be contributed for a condominium unit or a co-operative housing unit except that portion of the common expenses allocated to the cost of energy for heat.
- The following utilities, if they are not included in rent or common expenses:
  - An energy source used for household purposes other than for heat.
  - Water and sewage.
- Rent under a land lease.
- The cost of energy for heat.

- (2) The following rules apply for calculating the cost of shelter:

- Subject to section 34, determine the actual cost payable for shelter under subsection (1).
- Determine the maximum amount payable for shelter in accordance with the following Table:

TABLE

Family Size	Maximum Monthly Shelter Allowance
1	\$414
2	652
3	707
4	768
5	828
6 or more	859

- Subject to paragraph 4, the amount payable for shelter shall be the lesser of the amount determined under paragraph 1 and the maximum amount determined under paragraph 2.
- If the cost of energy for heat exceeds the maximum amount payable for shelter under paragraph 2, the cost payable for shelter shall be the cost of energy for heat.

5. The amount payable for shelter determined under paragraph 3 or 4 shall be increased by \$55 if the applicant or recipient has a spouse included in the benefit unit and both spouses are persons with a disability or members of a prescribed class described in subparagraph i of paragraph 1 of subsection 4 (1) or paragraph 6 of subsection 4 (1).
6. If an applicant or a recipient is a tenant of an authority or agency that provides low rental housing accommodation on behalf of Canada, Ontario or a municipality, shelter does not include that portion of the rent for which the applicant or recipient is liable with respect to a person living in that rental accommodation who is not a member of the benefit unit.

## BUDGETARY REQUIREMENTS FOR PERSONS IN INSTITUTIONS

32. (1) In this section,

"institution" means,

- (a) a place of residence referred to in paragraph 3, 4 or 5 of subsection 4 (1),
  - (b) a home under the *Homes for Aged and Rest Homes Act*,
  - (c) a charitable institution under the *Charitable Institutions Act*,
  - (d) a nursing home licensed under the *Nursing Homes Act*,
  - (e) a home for retarded persons or an auxiliary residence under the *Homes for Retarded Persons Act*,
  - (f) a place designated under the regulations under the *Health Insurance Act* as a hospital or a health facility for the provision of insured services to chronically ill patients and that is a hospital for chronically ill patients, a chronic care hospital or a chronic unit attached to a general or convalescent hospital,
  - (g) a community resource center established under section 15 of the *Ministry of Correctional Services Act* for parolees or persons on probation under that Act,
  - (h) a residential facility providing treatment, care or rehabilitation programs under the *Child and Family Services Act*,
  - (i) a provincial residential school for persons whose vision or hearing is impaired, and
  - (j) an interval or transition home for abused women.
- (2) The budgetary requirements of an applicant or recipient resident in an institution shall be an amount equal to the sum of,
- (a) \$112 for each member of the benefit unit residing in an institution; and
  - (b) an additional daily amount determined by the Director with respect to specific institutions or classes of institutions.

## BUDGETARY REQUIREMENTS IN OTHER CASES

33. The budgetary requirements for an applicant or recipient who receives board and lodging from the same source and who is not a person whose budgetary requirements are determined under section 32 shall be equal to the sum of the following amounts:

1. The amount set out in subparagraph i, ii or iii, as the case may be:

- i. \$658, if the applicant or recipient is a single person or a sole support parent.
- ii. \$999, if there is a spouse included in the benefit unit and subparagraph iii does not apply.
- iii. \$1,316, if there is a spouse included in the benefit unit and both spouses are persons with a disability or members of a prescribed class described in subparagraph i of paragraph 1 of subsection 4 (1) or paragraph 6 of subsection 4 (1).

2. If the applicant or recipient has one or more dependants other than a spouse, the amount determined in accordance with the following Table:

TABLE

	Age of Dependant	
	13 Years and Over	0-12 Years
A. Family with no spouse included in the benefit unit		
1. First dependant . . . . .	\$384	\$332
2. For each additional dependant, add to the amount in item 1 . . .	186	138
B. Family with spouse included in benefit unit		
1. For each dependant, add . . . . .	186	138

3. If the applicant or recipient resides north of the 50th parallel and is without year round road access, an amount determined in accordance with the following Table:

TABLE

Number of Dependants Other than a Spouse	Recipient	Recipient and Spouse
0	\$135	\$212
1	215	244
2	249	278
For each additional dependant, add \$34.		

4. If an approved health professional certifies that an applicant or a recipient or a dependant requires a special diet and signs a statement setting out in detail the special diet required, an amount that is the lesser of,

- i. the additional cost required to provide the special diet, and
- ii. \$250.

5. \$50.

## REDUCTION OF BUDGETARY REQUIREMENTS: CO-RESIDENTS

34. (1) The amount payable for shelter under section 31 for an applicant or recipient who shares accommodation with one or more persons who are not his or her dependants shall be determined as follows:

1. Allocate equal shares of the entire cost of shelter among the applicant or recipient, his or her spouse included in the benefit unit, if any, and each of the persons who are not his or her dependants.
2. Calculate the amount payable for shelter based on the shares allocated to the applicant or recipient and his or her spouse included in the benefit unit, if any.

(2) No costs shall be allocated under paragraph 1 of subsection (1) with respect to the following persons:

1. A person who resides in the same dwelling place as the applicant or recipient and provides daily physical assistance on an ongoing basis to the applicant or recipient or his or her spouse included in the benefit unit if the applicant, recipient or spouse requires assistance in order to function in a community setting.
2. A person provided with lodging by the applicant or recipient, if the person provides income to the applicant or recipient.
3. A person who provides lodging, whether or not with meals, to the applicant or recipient.

#### REDUCTION OF BUDGETARY REQUIREMENTS: PERSONS DETAINED IN CUSTODY

35. (1) If a person is detained or residing in a place described in section 9, the budgetary requirements of the person for the month that he or she is first detained and of any subsequent full month that the person is detained shall be reduced for the number of days that the person is detained.

(2) In the month that a person is released from a place described in subsection (1),

- (a) the budgetary requirements, other than the amount payable for shelter, payable to or on behalf of the person shall be reduced for the number of days that the person was detained; and
- (b) the budgetary requirements for shelter of the person may be reduced for the number of days that the person was detained.

#### REDUCTION OF BUDGETARY REQUIREMENTS: PATIENT IN A HOSPITAL

36. (1) Subject to subsection (2), if a member of the benefit unit is a patient in a hospital, the Director may reduce the budgetary requirements for the person who is hospitalized.

(2) Subsection (1) does not apply for the first three months that the member of the benefit unit is a patient in a hospital.

#### CALCULATING INCOME: GENERAL RULE

37. (1) Subject to sections 38 to 43, income shall be determined for a month by adding the total amount of all payments of any nature paid to or on behalf of or for the benefit of every member of the benefit unit during the period determined by the Director.

(2) For the purpose of subsection (1), income shall include the monetary value of items and services provided to the members of the benefit unit as well as amounts of income deemed to be available to members of the benefit unit.

(3) A payment to a person made with respect to a number of months shall be applied to those months.

#### TREATMENT OF EARNINGS

38. The following rules apply with respect to the treatment of earnings:

1. The sum of the total amount of gross monthly income from employment, the amounts paid under a training program and the net monthly income as determined by the Director from an interest in or operation of a business shall be reduced by,

i. the total of all deductions required by law or by the terms of employment that are deductions,

- A. from wages, salaries, casual earnings or amounts paid under a training program, and
- B. made with respect to income tax, Canada Pension Plan, employment insurance, union dues or pension contributions,

ii. an amount equal to,

- A. if the recipient is a single person, \$160,
- B. otherwise, \$235,

iii. 25 per cent of the amount by which the monthly income determined under this paragraph exceeds the total amount of exemptions to which the person is entitled under subparagraphs i and ii,

iv. child care expenses actually incurred for each dependent child and not otherwise reimbursed or subject to reimbursement up to the maximum amounts provided in paragraph 2 if,

- A. the child care expenses are necessary to permit a recipient or spouse included in the benefit unit to be employed or to permit a dependent adult to be employed or to participate in an employment assistance activity, and
- B. the child care expenses are not paid to a member of the benefit unit,

v. the employment related expenses attributable to the person's disability that are necessary to enable the person to be employed, up to a maximum of \$140 other than expenses,

- A. that are reimbursed or subject to reimbursement, or
- B. that relate to accommodating the person under section 17 of the *Human Rights Code*.

2. The maximum amount of child care expenses permitted for each child,

i. is the actual amount paid, if those expenses are paid to a person licensed under the *Day Nurseries Act*, and

ii. otherwise is,

- A. \$390 per month if the child is less than six years of age,
- B. \$390 per month if the child is six years of age or older and, in the opinion of the Director, increased child care costs are required for the child because of special circumstances,
- C. \$346 per month if the child is six years of age or older and less than 13 years of age and if sub-subparagraph B does not apply.

3. The earnings of a dependent child or the amount paid to a dependent child under a training program shall not be included in income.

4. The earnings of a dependent adult who is attending secondary school full time or the amount paid to such a dependent adult under a training program shall not be included in income.

5. If a person's normal income is reduced because he or she is engaged in a labour dispute, that person shall be deemed to be in receipt of income from employment equal to the amount being received from that source in the month before that person's income was affected by the dispute.

6. If paragraph 5 applies, strike pay up to the amount deemed as income under that paragraph shall not be included as income.

#### BOARDER AND RENTAL INCOME

39. (1) Subject to subsection (2), the following rules apply with respect to the treatment of boarder and rental income:

1. If a member of the benefit unit rents self-contained quarters, land or a garage to another person, 60 per cent of the gross income, as determined by the Director, received from the rental shall be included as income.

2. If a member of the benefit unit is providing lodging and meals to one or more persons, the amount of income shall be increased by an amount for each person equal to the greater of,

i. 40 per cent of the amount received from that person, and

ii. \$100.

3. If a member of the benefit unit is providing lodging without meals to one or more persons, the amount of income shall be increased by an amount for each person that is equal to the greater of,

i. 60 per cent of the amount received from that person, and

ii. \$100.

(2) Boarder or rental income from a person is not included as income if the applicant, recipient or spouse included in the benefit unit is a parent or grandparent of the person and,

(a) the person is a recipient of income support in his or her own right; or

(b) the person is a recipient of basic financial assistance under the *Ontario Works Act, 1997* in his or her own right.

#### SPONSORED IMMIGRANTS

40. The following rules apply with respect to undertakings given under the *Immigration Act* (Canada):

1. If a member of the benefit unit is a person with respect to whom an undertaking has been given under the *Immigration Act* (Canada) and he or she resides in the dwelling place of the person giving the undertaking or in accommodation owned or controlled in whole or in part by that person, income shall include an amount equal to the greater of,

i. the amount of all payments available to the member of the benefit unit as determined by the Director under the undertaking given with respect to him or her, and

ii. the amount of the budgetary requirements calculated in accordance with section 30 less the applicable amount determined in accordance with the following Table:

TABLE

Number of Dependants other than a Spouse	Dependants 13 Years and Over	Dependants 0-12 Years	Recipient See Note 1, below	Recipient and Spouse See Note 2, below	Recipient and Spouse See Note 3, below
0	0	0	\$516	\$765	\$1,032
1	0 1	1 0	172 823	875 921	1,142 1,188
2	0 1 2	2 1 0	882 933 979	1,002 1,048 1,095	1,269 1,315 1,362

For each additional dependant, add \$174 if the dependant is 13 years of age or over and \$127 if the dependant is less than 13 years of age.

Note 1. A recipient.

Note 2. A recipient with a spouse included in the benefit unit if Note 3 does not apply.

Note 3. A recipient and spouse both of whom are a person with a disability or a person referred to in subparagraph i of paragraph 1 of subsection 4 (1) or paragraph 6 of subsection 4 (1).

2. If an undertaking has been given under the *Immigration Act* (Canada) with respect to a member of the benefit unit and he or she does not reside in the dwelling place of the person giving the undertaking or in accommodation owned or controlled in whole or in part by that person, an amount shall be included in income equal to the greater of,

i. the amount of all payments available to the member of the benefit unit as determined by the Director under the undertaking given with respect to him or her, and

ii. \$100.

3. The amount calculated under paragraph 1 or 2 shall be deemed to be zero if,

i. the person giving the undertaking under the *Immigration Act* (Canada) is himself or herself in receipt of or eligible for social assistance,

ii. the person giving the undertaking under the *Immigration Act* (Canada) is himself or herself in receipt of a payment under Part II of the *Old Age Security Act* (Canada) or a payment under the *Ontario Guaranteed Annual Income Act*, or

iii. the member of the benefit unit establishes to the satisfaction of the Director that there has been a breakdown in the undertaking by reason of family violence.

#### EXEMPTIONS: PAYMENTS BY ONTARIO

41. The following payments by Ontario shall not be included in income:

1. Income support under the Act.

2. A payment received under Ontario Regulation 224/98 (Assistance for Children with Severe Disabilities).

3. A payment under Ontario Regulation 223/98 (Employment Supports).

4. A payment made by a children's aid society on behalf of a child in care under the *Child and Family Services Act*.

5. A payment received under clause 175 (f) of the *Child and Family Services Act*.
6. A payment received under subsection 2 (2) of the *Developmental Services Act*.
7. A payment received under the *Ministry of Community and Social Services Act*.
8. A payment or refund under section 8 of the *Income Tax Act*.
9. A payment under subsection 147 (14) of the *Workers' Compensation Act*, as it read on December 31, 1997.

## EXEMPTIONS: PAYMENTS BY CANADA

42. The following payments by Canada shall not be included in income:

1. A payment received as a tax credit under section 122.5 of the *Income Tax Act* (Canada).
2. A payment received as a child tax benefit under section 122.6 of the *Income Tax Act* (Canada).
3. A payment received as a child tax benefit under section 122.61 of the *Income Tax Act* (Canada).
4. A death benefit payment under the Canada Pension Plan.
5. A payment received from the Department of Indian Affairs and Northern Development (Canada) or from a band for board and lodging of a student attending a secondary school not on the reserve.
6. A payment received under the *Indian Act* (Canada) under a treaty between Her Majesty and a band, other than funds for post secondary education.
7. A payment made by a band as an incentive bonus for school attendance to any dependant who is attending school.
8. A payment received under Order in Council P.C. 1977-2496 made under section 40 of the *Indian Act* (Canada).
9. A payment received under the Extraordinary Assistance Plan (Canada).

## OTHER EXEMPTIONS

43. (1) The following shall not be included in income:

1. That portion of a loan, approved by the Director, that is,
  - i. applied or will be applied to the operation of a business,
  - ii. applied on an exceptional basis for medically necessary health related reasons if no other government program is available for the purpose,
  - iii. applied to expenses approved by the Director for disability related items or services,
  - iv. taken against a life insurance policy if that portion is or will be used for disability related items or services approved by the Director,
  - v. guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or made under the *Canada Student Financial Assistance Act* and, in either case, received by or on behalf of a student and relating to tuition, other compulsory fees, books or instructional supplies for the purpose of the definition of "education costs" in subsection 1 (1) of Regulation 774 of the Revised Regulations of Ontario, 1990, or

vi. guaranteed under section 8 of the *Ministry of Colleges and Universities Act* or made under the *Canada Student Financial Assistance Act*, if, in either case, the proceeds are received by or on behalf of a student who is,

- A. a part-time student,
- B. a dependent adult who is not a spouse included in the benefit unit, or
- C. a sole support student as defined in subsection 1 (1) of Regulation 774 of the Revised Regulations of Ontario, 1990.

2. An award or grant made by the Ministry of Education and Training to a student enrolled in a post-secondary institution.
3. A bursary received by a full-time student enrolled in a secondary school under paragraph 18 of subsection 8 (1) of the *Education Act*.
4. Subject to subsections (2), (3) and (5), an amount received as damages or compensation for,
  - i. pain and suffering as a result of injury to or the death of a member of the benefit unit, or
  - ii. expenses actually and reasonably incurred or to be incurred as a result of injury to or the death of a member of the benefit unit.
5. A payment received under any of the following agreements to which the province of Ontario is a party:
  - i. The Helpline Reconciliation Model Agreement.
  - ii. The Multi-Provincial/Territorial Assistance Program Agreement.
  - iii. The Grandview Agreement.
6. That portion of a payment received from the sale or other disposition of an asset that is applied, or if the Director approves, will be applied towards,
  - i. the purchase by a member of the benefit unit of a principal residence used by the benefit unit,
  - ii. the purchase of any other asset that in the opinion of the Director is necessary for the health or welfare of a member of the benefit unit,
  - iii. the purchase of or conversion to an asset that is not included as an asset under section 28, or
  - iv. the purchase of or conversion to an asset that does not result in the recipient exceeding the prescribed limit for assets under section 27.
7. Subject to subsection (4), a donation received from a religious, charitable or benevolent organization.
8. Interest earned on that portion of the assets that are within the limits prescribed in section 27.

## 9. Payments that are applied to,

- i. expenses for disability related items or services for a member of the benefit unit that are approved by the Director and that are not and will not be otherwise reimbursed, or
  - ii. education or training expenses that,
    - A. are incurred with respect to a member of the benefit unit because of that person's disability, and
    - B. are not and will not be otherwise reimbursed.
10. Subject to subsection (5), that portion of the interest earned on a trust referred to in paragraph 19 of subsection 28 (1),
- i. that is re-invested into the capital of the trust and to which paragraph 19 of subsection 28 (1) continues to apply, or
  - ii. that is used for a purpose set out in paragraph 9.
11. Subject to subsection (5), that portion of the interest or dividends earned on life insurance policies,
- i. that is re-invested in the policy,
  - ii. that is used to pay the premium, or
  - iii. that is used for a purpose set out in paragraph 9.
12. Payments approved by the Director received from any agency or governmental source on behalf of a child who is not a member of the benefit unit.
13. Payments in addition to a payment under paragraphs 1 to 12 that are payments from a trust or life insurance policy or gifts or other voluntary payments up to a maximum of \$4,000 for any 12-month period.

(2) The amount under paragraph 4 of subsection (1) shall not exceed \$100,000 unless the Director is satisfied that the amount exceeding \$100,000 is paid with respect to expenses referred to in subparagraph ii of that paragraph.

(3) An exemption under paragraph 4 of subsection (1) shall not apply to a payment made under the *Workplace Safety and Insurance Act, 1997*.

(4) The total amount allowed under paragraph 7 of subsection (1) shall not exceed the difference between \$100,000 and the total amount allowed under paragraph 19 of subsection 28 (1).

(5) The exemptions from income under paragraph 4, 10 or 11 of subsection (1) apply if the recipient files an annual report in a form approved by the Director documenting all income and expense transactions relating to the assets for the year with respect to which the report is filed.

(6) If the exemption from assets under paragraph 19 of subsection 28 (1) applies and income from those assets is paid other than monthly and is not otherwise exempt under this section, the income shall be calculated and included as income as if it were paid monthly in equal payments,

- (a) over the 12 months next following the month in which the report referred to in subsection (5) is filed; or
- (b) over the 12 months commencing in the month in which the payment is made if the report referred to in subsection (5) is not filed.

PART VI  
BENEFITS

## BENEFITS

44. (1) The following benefits shall be paid with respect to each of the members of a recipient's benefit unit if the Director is satisfied that he or she meets the criteria for them and income support is being paid on his or her behalf:

## HEALTH BENEFITS

1. An amount for health benefits equal to the sum of,
  - i. the cost for drugs prescribed for members of the benefit unit by an approved health professional if those drugs have been approved by the Minister of Health and purchased from a dispensary during any month in which the person requiring the drugs is a member of the benefit unit,
  - ii. the cost for dental services and vision and hearing services and items for members of the benefit unit other than dependent adults if those services and items and that cost have been approved by the Minister,
  - iii. the cost for diabetic supplies, surgical supplies and dressings and transportation reasonably required for medical treatment for a member of the benefit unit, if the cost of the item or service is not otherwise reimbursed or subject to reimbursement,
  - iv. for persons resident in an institution referred to in clause (f) of the definition of "institution" in subsection 32 (1), an amount approved by the Director for dental services, dentures, prosthetic devices including eye glasses, clothing, wheelchairs and wheelchair accessories,
  - v. the amount a member of the benefit unit is required to pay for the consumer contribution for an assistive device under the Assistive Devices Program administered by the Ministry of Health, up to the amount approved under that program, and
  - vi. if an assessment is required to determine eligibility for an assistive device under that program and there is no other source of funding for the assessment, the amount determined by the Director.

## WINTER CLOTHING FOR CHILDREN

2. An amount equal to \$105 for winter clothing for each of the dependent children of a recipient who is eligible for income support in the month of October and who has one or more dependent children in that month.

## BACK TO SCHOOL

3. An amount to be paid once in a year for back to school expenses of a recipient who is eligible for income support in the month of July and who has one or more dependent children in that month in an amount equal to,
  - i. \$69 for each dependent child who is four years of age or more and less than 13 years of age, and
  - ii. \$128 for each dependent child who is 13 years of age or older and who is or will be attending school.

## COMMUNITY START UP

4. An amount, not exceeding \$799, to establish a new residence if,



- i. a recipient will be establishing a permanent residence,
- ii. the Director is satisfied that the recipient will need financial assistance to establish the residence,
- iii. the recipient,
  - A. is being discharged from an institution that provided for his or her basic needs and shelter, or
  - B. has satisfied the Director that it would be harmful to his or her health or welfare to remain in his or her current place of residence, and
- iv. there has not been a payment under this paragraph or under paragraph 4 of subsection 55 (1) of Ontario Regulation 134/98 made under the *Ontario Works Act, 1997* within the preceding 12 months or there has been such a payment within the preceding 12 months and the Director approves the additional payment.

## GUIDE DOG

- 5. If a member of the benefit unit has a guide dog, an amount not exceeding \$64 for the care of the guide dog.

## EMPLOYMENT AND TRAINING START UP ASSISTANCE

- 6. If a recipient, a spouse included in the benefit unit or a dependent adult who is not attending school full time begins or changes employment or begins an employment assistance activity under the *Ontario Works Act, 1997*, an amount determined by the Director for expenses approved by the Director and reasonably necessary for the person to begin the new employment or activity, up to a maximum in any 12-month period with respect to any one person of \$253.

## UP FRONT CHILD CARE

- 7. If a recipient, a spouse included in the benefit unit or a dependent adult who is not attending school full time begins or changes employment or begins an employment assistance activity under the *Ontario Works Act, 1997* and, in the opinion of the Director, the person is required to pay in advance for child care that is reasonably necessary to permit the person to begin the new employment or activity, an amount determined by the Director, up to a maximum in any 12-month period of the amount that the person would be entitled to as a deduction for child care under section 38.

## NECESSARY HOME REPAIRS

- 8. A payment for home repairs to a recipient's principal residence in an amount determined by the Director if the Director is satisfied that the repairs are necessary in order to permit the home to continue to be used as a principal residence and that no other source of funding is available, but not including repairs,
  - i. with respect to which a loan is received through the Ontario Home Renewal Program under Regulation 641 of the Revised Regulations of Ontario, 1990, made under the *Housing Development Act* or through the Residential Rehabilitation Assistance Program authorized by section 34.1 of the *National Housing Act* (Canada),
  - ii. for the cost of digging a well,
  - iii. for the cost of internal renovation or remodelling unless the Director is satisfied that the renovation or remodelling is necessary to ensure privacy,

- iv. for the cost of new foundations for premises,
- v. for the cost of a new furnace, unless the Director is satisfied that the existing furnace is unsafe,
- vi. for the cost of materials for insulation unless the Director is satisfied that the thermal insulation of the premises will meet the minimum standards set out in section 9.25 of Ontario Regulation 403/97 made under the *Building Code Act, 1992* and that the cost of those materials is reasonable in relation to the estimated future saving in the cost of heating the premises, or
- vii. where, in the Director's opinion, the market value of the premises does not warrant incurring the cost of the repairs.

## TRAVEL AND TRANSPORTATION

- 9. If a person is resident in an institution referred to in clause (c) of the definition of "institution" in subsection 32 (1) and, in the opinion of the Director, requires financial aid in order to travel in the community, an amount not exceeding \$30.

## SECOND RESIDENCE

- 10. If a person is a person with a disability or a person referred to in subparagraph i of paragraph 1 of subsection 4 (1) or paragraph 6 of subsection 4 (1) and the person, while maintaining his or her normal place of residence, is required to temporarily change that residence in order to undergo training in a program that, in the opinion of the Director, will enhance the person's prospects for obtaining employment, an amount determined by the Director not to exceed the lesser of,
  - i. an amount equal to those costs of maintaining the normal place of residence during the training that are not otherwise reimbursed or subject to reimbursement, and
  - ii. \$455.

(2) Despite paragraph 6 of subsection (1), the maximum amount payable under that paragraph shall be reduced by any amount paid under paragraph 6 of subsection 55 (1) of Ontario Regulation 134/98 made under the *Ontario Works Act, 1997* within the applicable 12-month period.

(3) Despite paragraph 7 of subsection (1), the maximum amount payable under that paragraph shall be reduced by any amount paid under paragraph 7 of subsection 55 (1) of Ontario Regulation 134/98 made under the *Ontario Works Act, 1997* within the applicable 12-month period.

(4) The amount paid under paragraph 7 of subsection (1) shall not constitute reimbursement for child care expenses for the purpose of determining deductions from income under section 38.

(5) A payment under paragraph 8 of subsection (1) shall not exceed the proportion of the total cost of repairs that represents the person's proportionate interest in the property.

## EXTENDED HEALTH BENEFIT

- 45. (1) A person is eligible for the benefits set out in subparagraphs i, ii, iii and v of paragraph 1 of subsection 44 (1) for any month in which,
  - (a) the person is not eligible for income support because his or her income determined under sections 38 to 43 exceeds his or her budgetary requirements, and the person would otherwise be eligible for it; and
  - (b) the person's income determined under sections 38 to 43 is less than the person's budgetary requirements plus the value of the benefits in those subparagraphs.

(2) A person who on May 31, 1998 was a recipient under subsection 15 (4) of Ontario Regulation 366 of the Revised Regulations of Ontario, 1990 made under the *Family Benefits Act* is eligible for the benefits set out in subparagraphs i, ii, iii and v of paragraph 1 of subsection 44 (1) for any month in which the person has income that includes income from a disability benefit under the Canada Pension Plan or the Quebec Pension Plan if that disability benefit results in the income exceeding his or her budgetary requirements and the person is otherwise eligible for income support.

## PART VII GENERAL

### VERIFICATION OF DISABILITY

46. (1) For the purpose of subsection 4 (1) of the Act, the following persons may verify that a person has a substantial physical or mental impairment and its likely duration:

1. A member of the College of Physicians and Surgeons.
2. A member of the College of Psychologists of Ontario.
3. A member of the College of Optometrists of Ontario.

(2) For the purpose of subsection 4 (1) of the Act, the following persons may verify whether the direct and cumulative effect of an impairment on a person's ability to attend to his or her personal care, function in the community and function in a workplace results in a substantial restriction in one or more activities of daily living:

1. The persons listed in subsection (1).
2. A member of the College of Occupational Therapists of Ontario.
3. A member of the College of Physiotherapists of Ontario.
4. A nurse practitioner registered with the College of Nurses of Ontario as a registered nurse - extended class.
5. A member of the College of Chiropractors of Ontario.

### DISABILITY ADJUDICATION UNIT

47. A disability adjudication unit shall include persons appointed under subsection 4 (2) of the Act to make determinations with respect to persons with a disability and shall do the following:

1. Request and receive information relating to the disability of an applicant or recipient or a spouse included in a benefit unit.
2. Seek additional information with respect to the disability of a person referred to in paragraph 1.
3. Provide payment in an amount approved by the Director for the completion of necessary forms regarding the determination of disability.
4. If a person is determined to be a person with a disability, determine if a further medical review is required and, if so, fix a date for that further review and hold that further review.
5. Conduct an internal review of a decision with respect to a disability, if requested.
6. If required, attend on behalf of the Director on an appeal to the Tribunal of a decision regarding a disability.

7. Review new evidence relating to a person's status as a person with a disability before the information is received by the Tribunal on an appeal.

### AUTHORIZED PRESCRIPTIONS

48. For the purpose of clause 5 (2) (b) of the Act, a drug or another chemically active substance is authorized by prescription if it would have been approved or prescribed for a person by a physician with full knowledge of all other substances that have been prescribed for that person.

### PERSONS ACTING FOR A RECIPIENT

49. (1) If one of the following bodies is appointed by the Director to act for a recipient under section 12 of the Act, that body may receive compensation for expenses incurred and services provided in acting for the recipient:

1. The Office of the Public Guardian and Trustee.
2. An organization or agency under contract to the Ministry to act on behalf of persons.

(2) The compensation for expenses under subsection (1) shall not be recovered from the amount of income support payable to a recipient.

(3) A person appointed to act for a recipient shall file an annual report with the Director accounting for the use of the income support received on behalf of a person and shall provide such supplementary information, monthly or otherwise, including receipts, as is requested by the Director.

(4) The Director shall, if feasible, obtain the consent of a recipient to an appointment under section 12 of the Act, and if the recipient so requests, shall give the recipient an opportunity to suggest someone else to act for him or her or to make submissions as to why the appointment should not be made or should be discontinued.

(5) If the Director appoints a person to act for a recipient, the Director shall periodically inquire into the need to continue the appointment and may revoke the appointment as a result of the review.

(6) If the Director has paid income support for a benefit unit to a person appointed under this section, the Director may pay an additional amount not to exceed one month's income support if the Director is satisfied that,

- (a) the person appointed under this section has misused the amount originally paid; and
- (b) without the additional payment, the benefit unit is unable to provide for its basic needs and shelter.

### PAYMENT TO THIRD PARTY

50. (1) The Director shall not pay a part of a recipient's income support directly to a third party under section 13 of the Act unless the Director is satisfied that an amount is owing or will be owing to the third party by a member of the benefit unit.

(2) The Director may pay a part of a recipient's income support into court or to a neutral third party pending resolution of a dispute if,

- (a) the recipient asks the Director to do so; and
- (b) the Director is satisfied that there is a reasonable dispute regarding the obligation to pay to which subsection (1) applies.



RECOVERY OF OVERPAYMENTS AND DEDUCTIONS  
RE MONEY OWED FOR FAMILY SUPPORT, ETC.

51. (1) For the purposes of subsections 15 (2) and 18 (3) of the Act, the prescribed amount is 10 per cent of income support.

(2) For the purpose of subsection 18 (4) of the Act, the prescribed person is the Director of the Family Responsibility Office of the Province of Ontario or a person occupying a comparable position with a similar program in a jurisdiction with which Ontario has entered into an agreement regarding the reciprocal enforcement of support orders.

(3) If a recipient of income support ceased to be eligible because of an increase in the value of assets, the amount recoverable under section 14 of the Act shall not exceed the difference between,

- (a) the maximum value of the assets owned by the persons who were members of the benefit unit while the person was ineligible; and
- (b) the maximum value of assets permitted under section 27.

MINIMUM INCOME SUPPORT PAYABLE

52. If the amount of any payment of income support is determined to be less than \$2.50, the amount shall be \$2.50.

TIME AND MANNER OF PAYMENT OF INCOME SUPPORT

53. (1) Income support shall be paid for a recipient on the last day of the month with respect to which it is paid.

(2) Income support shall not be paid with respect to a period of more than one month at any one time unless the payment is a retroactive calculation or made in accordance with a decision of the Tribunal or the court.

(3) The Director may direct that income support for a recipient continue to be paid for up to three calendar months following the month in which the recipient ceases to be eligible for income support or dies if the recipient has dependants included in the benefit unit at that time.

ELIGIBILITY REVIEW OFFICERS

54. (1) For the purpose of carrying out an investigation, an eligibility review officer may,

- (a) subject to subsection (2), enter any place that the officer believes on reasonable grounds contains evidence relevant to determining a person's eligibility for payments under an Act set out in subsection 46 (2) of the *Ontario Disability Support Program Act, 1997*;
- (b) inquire into all financial transactions, records and other matters that are relevant to the investigation; and
- (c) demand the production for inspection of anything described in clause (b).

(2) An officer shall not, without the consent of the occupier, exercise a power to enter a place that is being used as a dwelling except under the authority of a search warrant.

(3) An officer shall exercise the powers mentioned in subsection (1) only during business hours for the place that the officer has entered.

(4) A demand mentioned in clause (1) (c) shall be in writing and shall include a statement of the nature of the things required.

(5) If an officer makes a demand, the person having custody of the things shall produce them to the officer.

(6) On issuing a written receipt, the officer may remove the things that are produced and may,

- (a) review or copy any of them; or
- (b) bring them before a justice of the peace, in which case section 159 of the *Provincial Offences Act* applies, or deal with them in accordance with the applicable provisions of the *Criminal Code* (Canada).

(7) Except where clause (6) (b) applies, the officer shall review or copy things with reasonable dispatch and shall forthwith after doing so return the things to the person who produced them.

(8) A copy certified by an officer as a copy made under clause (6) (a) is admissible in evidence to the same extent, and has the same evidentiary value, as the thing copied.

(9) An officer may call upon an expert for whatever assistance he or she considers necessary in carrying out an investigation.

(10) For the purpose of carrying out an investigation, an officer may use a data storage, processing or retrieval device or system in order to produce a record in readable form.

(11) An officer may require information or material from a person who is the subject of an investigation under this section or from any person who the officer has reason to believe can provide information or material relevant to the investigation.

(12) A person who is required under this section to produce a record for an officer shall, on request, provide whatever help is reasonably necessary including using any data storage, processing or retrieval device or system to produce a record in readable form.

(13) Only the persons or classes of persons authorized by the Director shall have the authority to apply for and act under a search warrant under the authority of subsection 46 (2) of the Act.

SECURING AND DISCHARGING A LIEN

55. (1) This section does not apply with respect to,

- (a) the principal residence for a person's benefit unit;
- (b) a property not included as an asset under paragraph 3 of subsection 28 (1); or
- (c) a person's interest in land during the period of six months after the person's benefit unit first becomes eligible for income support.

(2) If a person who owns or has an interest in land in Ontario has consented to Ontario having a lien against the property, the Director may deliver or transmit a certificate of lien in duplicate to the sheriff for the area in which the land mentioned in it is situate.

(3) Upon receipt of a certificate of lien under subsection (2), the sheriff shall, without fee,

- (a) enter the certificate of lien in the electronic database that the sheriff maintains for writs of execution;
- (b) indicate in the electronic database that the certificate of lien affects land governed by the *Land Titles Act*;
- (c) assign a number in the electronic database consecutively to each certificate of lien in the order of receiving it;
- (d) note in the electronic database the date of receiving each certificate of lien; and

- (e) give the land registrar of each land titles division wholly or partially within the sheriff's territorial jurisdiction access to the electronic database.

(4) As soon as the endorsement and entry have been made under subsection (3), if the land mentioned in the certificate is in the registry system, Ontario has a lien against the person's land mentioned in the certificate for an amount equal to the amount of any income support provided from the date identified in the consent, to the extent that that amount remains unpaid from time to time.

(5) If a certificate respecting execution against land is required from a sheriff or land registrar, that execution certificate shall, without additional fee, make reference to a certificate of lien mentioned in subsection (3) that contains a name that is the same as the name shown in the execution certificate.

(6) As soon as a person has discharged his or her obligation to pay the amount referred to in this section, the lien mentioned in this section is discharged, and the Director shall deliver or transmit a certificate of discharge in duplicate to the sheriff to whom the certificate of lien was delivered or transmitted.

(7) Upon receipt of a certificate of discharge, the sheriff shall attach the certificate of discharge to the proper certificate of lien and strike the name of the person from the electronic database kept under subsection (3).

(8) Except as provided in section 28, the Director shall not require the transfer or disposition of a property to which a lien under this section applies.

(9) For the purpose of subsection 7 (2) of the Act, the prescribed period is one year and the prescribed class is a parent.

(10) The amount recovered under a lien shall not exceed the income support,

- (a) paid to or on behalf of the benefit unit; and
- (b) with respect to which the consent to a lien relates.

## PART VIII REVIEWS AND APPEALS

### NOTICE OF DECISION

56. (1) A notice under section 19 of the Act shall be in writing and shall be delivered to the applicant or recipient personally or by prepaid regular mail to the individual's last known address.

- (2) The notice shall include,
  - (a) the decision and its effective date;
  - (b) reasons for the decision;
  - (c) a statement that the applicant or recipient must request an internal review if he or she wishes to appeal the decision to the Tribunal;
  - (d) the time within which the internal review may be requested; and
  - (e) the time within which the applicant or recipient may file an appeal to the Tribunal.

### DECISIONS THAT CANNOT BE APPEALED

57. For the purpose of paragraph 5 of subsection 21 (2) of the Act, the following are prescribed decisions:

- 1. A decision of the Director not to extend the time as set out in subsection 58 (3).
- 2. A decision to refuse, suspend or cancel income support or to reduce income support on the death of a member of the benefit unit.
- 3. A determination under subsection 16 (5) that an application is deemed to have been withdrawn.
- 4. A decision under subsection 5 (1) to set a review date.

### REQUEST FOR INTERNAL REVIEW

58. (1) The prescribed time for requesting an internal review is 10 days from the day the decision is received or deemed to have been received under section 50 of the Act.

(2) A request for an internal review shall be in writing.

(3) The Director may hold an internal review even if it was not requested within the prescribed time if the Director is satisfied that the applicant or recipient was unable to request an internal review within that time because of circumstances beyond his or her control.

(4) If an applicant or recipient withdraws a request for an internal review, the request shall be deemed not to have been made.

### TIME AND MANNER OF CONDUCTING INTERNAL REVIEW

59. (1) The prescribed time for completing an internal review is 10 days from the day the Director receives the request for internal review.

(2) The person who made a decision shall not conduct the internal review of that decision.

(3) On an internal review of a decision concerning whether a person is a person with a disability, only those reports described in paragraph 5 of subsection 14 (2) that are before the Director at the time of his or her decision shall be considered.

### DECISION ON INTERNAL REVIEW

60. (1) A decision made on an internal review shall be in writing and shall be delivered personally to the applicant or recipient or sent by prepaid regular mail to his or her last known address.

- (2) The decision made on an internal review shall include,
  - (a) the Director's original decision;
  - (b) a statement of whether the Director's decision is confirmed, set aside or varied;
  - (c) reasons for the decision on internal review; and
  - (d) the effective date of the decision on internal review.

### TIME AND MANNER OF COMMENCING APPEAL TO TRIBUNAL

61. (1) For the purpose of subsection 23 (1) of the Act, the prescribed time for appealing a decision of the Director is 30 days from the day the Director's decision is final under clause 20 (3) (b) of the Act.

(2) No appeal to the Tribunal shall be commenced more than one year after the date of the Director's decision.

(3) A request to the Tribunal for a hearing shall be made by filing with the Tribunal a notice of appeal in a form approved by the Minister.

#### NOTIFICATION OF APPEAL AND WRITTEN SUBMISSIONS

62. (1) Upon receiving a notice of appeal, the Tribunal shall send a copy of the notice to any other parties to the proceeding.

(2) If the Director intends to file a written submission, it shall be filed with the Tribunal within 30 days after the Director receives a copy of the notice of appeal.

(3) A copy of the Director's written submission, if any, shall be provided to the appellant and any other party.

(4) This section and sections 63 to 69 do not apply with respect to an appeal if the Tribunal determines the appeal to be frivolous or vexatious under section 28 of the Act.

#### NOTICE OF HEARING

63. (1) The Tribunal shall send a notice of hearing to all parties within 60 days after receiving a notice of appeal and the notice of hearing shall include the manner of holding the hearing.

(2) The notice of hearing shall set out,

(a) in the case of an oral hearing, the place, date and time of the hearing; or

(b) in the case of a paper hearing, the dates by which the parties are required to provide their written submissions and documentary evidence to the Tribunal.

(3) The Tribunal shall give the parties at least 30 days notice of the hearing.

#### NEW MEDICAL EVIDENCE

64. (1) On an appeal to the Tribunal from a decision that a person is not a person with a disability, a report described in paragraph 5 of subsection 14 (2) that was not provided to the Director before the decision was made shall be considered by the Tribunal if,

(a) it relates to the appellant's condition at the effective date of the Director's decision; and

(b) it is submitted to the Director for a review by the Disability Adjudication Unit at least 20 days before the date of the hearing.

(2) Subsection (1) applies with necessary modifications with respect to the material provided for a review under section 5 as if the review were an application.

(3) The Tribunal shall not adjourn a hearing date in order to permit an appellant to obtain further reports described in paragraph 5 of subsection 14 (2).

#### CONDUCT OF ORAL HEARING OF TRIBUNAL

65. (1) The appellant shall present his or her case first on an oral hearing of an appeal before the Tribunal unless the Director agrees otherwise.

(2) Unless the parties agree otherwise, a party who intends to produce written or documentary evidence or written submissions at an oral hearing shall provide copies of that evidence or those submissions to the other parties and the Tribunal,

(a) in the case of the appellant, at least 20 days before the hearing; and

(b) in the case of the Director and any other parties, at least 10 days before the hearing.

(3) If a party does not produce evidence or submissions in accordance with subsection (2) or subsection 62 (2), the Tribunal may, on the terms and conditions it considers appropriate,

(a) adjourn the hearing;

(b) refuse to accept the evidence; or

(c) accept the evidence.

(4) The Tribunal shall ensure that the evidence at an oral hearing of an appeal is recorded by notes taken by a member of the Tribunal participating in the hearing or by a method from which a transcript can be produced.

#### INTERIM ASSISTANCE

66. For the purpose of subsection 25 (1) of the Act, interim assistance shall not exceed the maximum amount of income support permitted under the Act.

#### DECISION OF TRIBUNAL

67. (1) The Tribunal shall deliver a written decision to the parties to an appeal within 60 days after it last receives evidence or submissions on the appeal.

(2) The Tribunal's findings of fact shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

(3) The Tribunal's decision shall include the principal findings of fact and its conclusions based on those findings.

(4) If an appellant withdraws a notice of appeal,

(a) the Tribunal is not required to deliver a decision; and

(b) the withdrawal shall be deemed to be a final order denying the appeal for the purpose of section 27 of the Act.

#### RECONSIDERATION BY TRIBUNAL

68. (1) A person requesting a reconsideration of a decision of the Tribunal shall file the request in a form approved by the Minister within 30 days after receiving the decision to which it applies and shall serve that request on the other parties to the original decision.

(2) Subject to subsection (3), the Tribunal may extend the time for requesting the reconsideration if it is satisfied that there are apparent grounds for a reconsideration and that there are reasonable grounds for applying for the extension.

(3) No request for a reconsideration may be made more than one year after the decision.

(4) The other parties may make written submissions to the Tribunal in response to the request for reconsideration if they do so within 15 days after receiving the request for reconsideration.

(5) The Tribunal shall issue a decision as to whether to hold a reconsideration hearing not sooner than 20 days after the request is made nor more than 60 days after the request is made.

(6) Sections 63 to 67 apply with necessary modifications to the conduct of a reconsideration hearing and for that purpose,

- (a) the person requesting the reconsideration shall present his or her case first and deliver the material set out in subsection 65 (2) in accordance with clause 65 (2) (a); and
- (b) the other parties shall deliver the material set out in subsection 65 (2) in accordance with clause 65 (2) (b).

## SUBSEQUENT APPEAL ON SAME ISSUE

69. For the purpose of subsection 29 (2) of the Act, the prescribed period is a period of two years after the date of the Director's decision.

## APPEAL TO DIVISIONAL COURT

70. (1) A person appealing a decision of the Tribunal to the Divisional Court shall file a notice of appeal with the Divisional Court within 30 days after receiving the decision.

(2) If a party has made a request to the Tribunal for a reconsideration of its decision, no party may commence an appeal to the Divisional Court until,

- (a) the Tribunal has held the reconsideration and delivered a decision;
- (b) the Tribunal has refused to hold a reconsideration; or
- (c) the request for the reconsideration has been withdrawn.

(3) If subsection (2) applies, the notice of appeal with the Divisional Court shall be filed within 30 days after the occurrence referred to in subsection (2), rather than as provided in subsection (1).

## RECORD FOR COURT

71. (1) For the purpose of subsection 31 (2) of the Act, the prescribed documents are,

- (a) the notice of appeal;
- (b) the original decision of the Director;
- (c) any written submissions filed with the Tribunal;
- (d) any written or documentary evidence filed with the Tribunal;
- (e) any correspondence to or from the Tribunal concerning the conduct of the appeal;
- (f) the final decision and any preliminary decisions of the Tribunal;
- (g) the transcript of the Tribunal's hearing, if it is available, or the notes taken by a member of the Tribunal in accordance with subsection 65 (4), otherwise; and
- (h) any documents with respect to a request to the Tribunal for a reconsideration or with respect to a reconsideration hearing.

(2) For the purpose of subsection 31 (2) of the Act, the record in an appeal shall be deemed to be filed forthwith if it is filed within 60 days after the Tribunal receives the notice of appeal to the Divisional Court.

PART IX  
COMMENCEMENT

## COMMENCEMENT

72. This Regulation comes into force on June 1, 1998.

22/98

ONTARIO REGULATION 223/98  
made under the  
ONTARIO DISABILITY SUPPORT  
PROGRAM ACT, 1997

Made: May 13, 1998

Filed: May 15, 1998

## EMPLOYMENT SUPPORTS

## ELIGIBILITY

1. (1) An application for employment supports must be made on a form approved by the Director.

(2) The Director may approve application forms for the purposes of this section.

2. (1) The following classes of persons are ineligible for employment supports:

1. A person who is receiving assistance under the *Ontario Works Act, 1997*.
2. A person who is less than 16 years of age.
3. A person who is entitled to disability benefits under the Canada Pension Plan in respect of his or her impairment.
4. A person who is eligible to receive employment benefits under the *Employment Insurance Act* (Canada).
5. A person who is or was entitled to benefits under the *Workers' Compensation Act* or the *Workplace Safety and Insurance Act, 1997* in respect of his or her impairment.
6. A person who is or was entitled to statutory accident benefits under the *Insurance Act* in respect of his or her impairment arising out of an automobile accident occurring after June 21, 1990.
7. A person who is entitled to rehabilitation benefits under an insurance policy in respect of his or her impairment.
8. A person who is eligible to receive services under the Drug and Alcohol Recovery Program or another substance abuse program administered by the Ministry of Health in respect of his or her impairment.

(2) A person who is receiving income support under the Act is ineligible for employment supports unless he or she has exhausted the benefits and services described in subsection (1) that are provided for the purpose of rehabilitation or employment preparation and training.

3. The following persons may verify that clause 32 (2) (a) of the Act applies with respect to a person:

1. An audiologist who is a member of the College of Audiologists and Speech-Language Pathologists of Ontario.
2. A member of the College of Chiropractors of Ontario.

3. A registered nurse who is a member of the College of Nurses of Ontario.
4. A member of the College of Occupational Therapists of Ontario.
5. A member of the College of Optometrists of Ontario.
6. A member of the College of Physicians and Surgeons of Ontario.
7. A member of the College of Physiotherapists of Ontario.
8. A member of the College of Psychologists of Ontario.

#### PREScribed EMPLOYMENT SUPPORTS

##### 4. (1) The following are the prescribed employment supports:

1. Employment consultation and planning.
2. Employment preparation and training.
3. Job placement services.
4. The cost of transportation required by a person in order to participate in the activities described in paragraphs 1, 2 and 3.
5. Job coaching.
6. The tools and equipment necessary for a person's employment preparation and training or necessary for a person to begin employment.
7. The services of an interpreter, reader or note-taker.
8. Mobility devices.
9. Appliances designed to support or take the place of a part of the human body or to increase the acuity of a sensory organ.

(2) Despite subsection (1), the following classes of goods and services are not provided by the employment supports program:

1. Educational programs in respect of which financial assistance is available under the Ontario Student Assistance Program, and any goods or services necessary to enable a person to attend such a program.
2. Educational programs established under the *Education Act* and any goods or services necessary to enable a person to attend such a program.
3. Goods and services available to a person under the Long Term Care Program (administered by the Ministry of Health).
4. That portion of the cost of devices and supplies available to a person under the Assistive Devices Program (administered by the Ministry of Health) that is paid by the Program.
5. Medical, dental and nursing treatment and procedures, including prescription drugs.
6. Goods and services that the person's employer is required under the *Human Rights Code* to provide.
7. Structural modifications to a person's place of employment.

8. The purchase or modification of a home.

9. The purchase or modification of a vehicle.

#### REQUIRED FINANCIAL CONTRIBUTION

5. (1) A person who is eligible for employment supports shall complete the contribution assessment form provided to him or her by a service co-ordinator.

(2) Subsection (1) does not apply to a person who is eligible for income support under Part I of the Act.

6. (1) A person who is eligible for employment supports shall contribute 30 per cent of the amount determined under subsection (3) (if it is greater than zero) toward the cost of the employment supports.

(2) A person is not required to make the contribution described in subsection (1) to the extent that extenuating circumstances reasonably affect his or her ability to do so.

(3) The amount is calculated using the formula,

$$(A + B + C) - \$51,000$$

in which,

"A" equals the person's total income reported for income tax purposes for the year preceding the year in which he or she applies for employment supports less the sum of amounts allowed for annual union or professional dues, child care expenses, attendant care expenses, amounts for infirm dependents, Canada Pension Plan contributions, Employment Insurance premiums, disability amounts and medical expenses;

"B" equals the amount described by "A" for the person's spouse (within the meaning of subsection 10 (1) of the *Human Rights Code*), if any;

"C" equals, for a person who is 16 or 17 years of age, the amount described by "A" for each of the person's parents (within the meaning of subsection 1 (1) of the *Family Law Act*) who live in the same dwelling as the person.

#### SUSPENSION OR CANCELLATION OF EMPLOYMENT SUPPORTS

7. If a person receives money to purchase specified employment supports, the service co-ordinator may suspend or cancel the person's employment supports if the person,

- (a) does not purchase the specified employment supports with the money; or
- (b) does not make the purchase in accordance with the requirements imposed by the service co-ordinator when giving him or her the money.

#### COMMENCEMENT

8. This Regulation comes into force on the day that subsection 32 (1) of the Act comes into force.

22/98

**ONTARIO REGULATION 224/98**  
made under the  
**ONTARIO DISABILITY SUPPORT**  
**PROGRAM ACT, 1997**

Made: May 13, 1998

Filed: May 15, 1998

**ASSISTANCE FOR CHILDREN**  
**WITH SEVERE DISABILITIES**

1. In this section,

"family income" means the aggregate of the amount of income for the taxation year next preceding that during which financial assistance is paid or is to be paid of,

- (a) the parent of the child with a severe disability,
- (b) the spouse of that parent if he or she resides in the same dwelling place as the parent, and
- (c) the child with a severe disability;

"income" means the amount of total income declared by a person on the person's return of income as required by section 150 of the *Income Tax Act* (Canada) as being the person's total income for the applicable taxation year;

"parent" means the father or mother of a child, and includes a guardian and a person who has demonstrated a settled intention to treat the child as a child of his or her family.

2. (1) Financial assistance may be provided to a parent on behalf of his or her child in an amount determined by the Director of not less than \$25 a month and not more than \$375 a month with respect to a child if,

- (a) the child is, in the opinion of the Director, a child with a severe disability;
- (b) the child has not attained the age of 18 years;
- (c) the child resides in the same dwelling place as the parent; and
- (d) the parent,
  - (i) receives the Child Tax Benefit under section 122.6 of the *Income Tax Act* (Canada) on behalf of the child or a determination has been made under that Act that the parent is eligible to receive the Child Tax Benefit, or
  - (ii) if subclause (i) does not apply, the parent is the parent with primary care and control of the child.

(2) Financial assistance may be provided to a person on behalf of a child in an amount determined by the Director of not less than \$25 a month and not more than \$375 a month if,

- (a) the child is, in the opinion of the Director, a child with a severe disability;
- (b) the child has not attained the age of 18 years;
- (c) the child resides in the same dwelling place as the person; and
- (d) the person is receiving temporary care assistance on behalf of the child under section 10 of the *Ontario Works Act, 1997*.

3. (1) In making a determination under section 2, the Director shall consider all the circumstances of the parent and spouse, if any, under subsection 2 (1) or the person under subsection 2 (2), as the case may be, and the child, including,

- (a) the age of the child;
- (b) subject to subsection (2), the family income;
- (c) the extent to which the child is severely limited in activities pertaining to normal living, including, but not necessarily limited to, the ability to walk, communicate with others, feed himself or herself, or bathe himself or herself; and
- (d) the expenses that the parent or person is incurring or might incur solely by reason of the severe disability of the child.

(2) Clause (b) of subsection (1) does not apply with respect to a parent or person who is a recipient of income support under the *Ontario Disability Support Program Act, 1997* or of income assistance or temporary care assistance under the *Ontario Works Act, 1997*.

4. For the purpose of verifying family income, the parent, spouse or child, as the case may be, shall, when required by the Director, provide the Director with a copy of his or her return of income filed or to be filed with the Minister of National Revenue and his or her notice of assessment for the taxation year next preceding that during which the benefit is paid or is to be paid.

5. Despite the definition of "income" in section 1, the Director may determine an amount of income or an additional amount of income with respect to the following:

- 1. Income from a farming or other business or from self-employment.
- 2. The income from the preceding year if the family income in the taxation year in which the financial assistance is or is to be paid is less than the family income for the preceding taxation year.
- 3. The income of a parent, spouse or child with a severe disability who did not file a return of income by reason of being a non-resident of Canada during the preceding taxation year.
- 4. The income of a parent, spouse or child with a severe disability who is unable to provide a copy of his or her return of income for the preceding taxation year to the Director.
- 5. Income that is not or need not be reported under section 150 of the *Income Tax Act* (Canada).

6. If financial assistance is paid on behalf of a child, the benefits set out in subparagraphs i, ii, v and vi of paragraph 1 of subsection 44 (1) of Ontario Regulation 222/98 (General) may be paid if the Director considers them necessary for the welfare of the child and their costs are not otherwise reimbursed or subject to reimbursement.

7. It is a condition of eligibility for financial assistance under this Regulation that the person receiving it agree that if an amount has been provided to the person in excess of the amount to which he or she was entitled, the Director may deduct that amount from any future financial assistance.

8. This Regulation comes into force on June 1, 1998.



**ONTARIO REGULATION 225/98**  
made under the  
**ONTARIO DISABILITY SUPPORT**  
**PROGRAM ACT, 1997**

Made: May 13, 1998

Filed: May 15, 1998

**ADMINISTRATION AND COST SHARING**

**1. In this Regulation,**

"assistance" means income support and interim assistance provided under section 25 of the Act;

"cost of administration" means the administrative costs, including the costs of staff training, incurred or payable by Ontario with respect to the provision of assistance under the Act;

"delivery agent" means a delivery agent under the *Ontario Works Act, 1997* other than a band designated under section 2 of Ontario Regulation 136/98;

"geographic area" means,

- (a) in the Greater Toronto Area, the Greater Toronto Area, and
- (b) otherwise, the area in which a delivery agent is responsible for delivering assistance under the *Ontario Works Act, 1997*;

"Greater Toronto Area" means the geographic area that lies within the jurisdiction of The Regional Municipality of Durham, The Regional Municipality of Halton, The Regional Municipality of Peel, the City of Toronto and The Regional Municipality of York.

**2. (1)** The amount payable to Ontario by a delivery agent that is not in the Greater Toronto Area shall be equal to the sum of,

- (a) 20 per cent of the cost of assistance provided by or on behalf of Ontario to persons who reside within the delivery agent's geographic area; and
- (b) if the delivery agent employs a full-time administrator, 50 per cent of the reasonable cost of administration attributable to the delivery agent's geographic area.

**(2)** The amount payable to Ontario by a delivery agent within the Greater Toronto Area shall be calculated as follows:

- 1. Determine 20 per cent of the cost of assistance provided by or on behalf of Ontario to persons who reside within the Greater Toronto Area.
- 2. Add to that amount 50 per cent of the reasonable cost of administration attributable to the Greater Toronto Area.
- 3. Apportion the amount determined under paragraph 2 among the delivery agents by multiplying that amount by the percentage attributable to each delivery agent, as set out in the following Table:

TABLE

Delivery Agent	Percentage of total
Regional Municipality of Durham	7.1194 per cent
Regional Municipality of Halton	7.2916 per cent
Regional Municipality of Peel	18.4278 per cent

City of Toronto	52.2424 per cent
Regional Municipality of York	14.9188 per cent

**3.** If Ontario has paid assistance to a recipient who is not eligible for it, the amount paid may be included as assistance for the purposes of section 2.

**4.** If Ontario recovers all or part of the assistance paid to a recipient, it shall refund to the appropriate delivery agent the amount that the delivery agent paid to Ontario with respect to the assistance recovered.

**5.** The Director shall pay, on behalf of an applicant or recipient, the cost of completion of a report required under paragraph 5 of subsection 14 (2) of Ontario Regulation 222/98 (General).

**6.** The Director shall provide a suitable room and other necessary accommodation for holding hearings of the Tribunal.

**7. This Regulation comes into force on June 1, 1998.**

22/98

**ONTARIO REGULATION 226/98**  
made under the  
**SOCIAL ASSISTANCE REFORM ACT, 1997**

Made: May 13, 1998

Filed: May 15, 1998

**TRANSITION FROM FAMILY BENEFITS TO**  
**ONTARIO DISABILITY SUPPORT PROGRAM**

DEFINITIONS

**1. In this Regulation,**

"Director", unless otherwise specified, means the Director under the *Ontario Disability Support Program Act, 1997*;

"FBA Regulation" means Regulation 366 of the Revised Regulations of Ontario, 1990, made under the *Family Benefits Act*;

"General Regulation" means Ontario Regulation 222/98 (General) made under the *Ontario Disability Support Program Act, 1997*.

TRANSFERS FROM FAMILY BENEFITS

**2. (1)** This section does not apply with respect to an applicant or recipient under,

- (a) clause 7 (1) (d) or (f) of the *Family Benefits Act*; or
- (b) subsection 2 (6) or (7) or section 32 or 38 of the FBA Regulation.

**(2)** Every person who on May 31, 1998 was a recipient of benefits under the *Family Benefits Act* shall be deemed to have applied for and been granted income support under the *Ontario Disability Support Program Act, 1997* on June 1, 1998.

**(3)** Subject to sections 6 and 7 of Schedule D of the *Social Assistance Reform Act, 1997*, every person who was an applicant under the *Family Benefits Act* on May 31, 1998 and whose eligibility was not yet determined on that date shall be deemed to be an applicant under the *Ontario Disability Support Program Act, 1997* on June 1, 1998.

**(4)** Every person who is deemed under subsection (3) to be an applicant under the *Ontario Disability Support Program Act, 1997* and who is subsequently found to be eligible for income support under that Act

shall be deemed to have been a recipient of benefits under the *Family Benefits Act* on May 31, 1998 for the purpose of paragraph 1 of subsection 4 (1) of the General Regulation.

3. (1) Every person who on May 31, 1998 was a recipient of benefits under section 32 or 38 of the FBA Regulation shall be deemed to have applied for and been granted financial assistance under section 49 of the *Ontario Disability Support Program Act, 1997* on June 1, 1998.

(2) An application under section 32 or 38 of the FBA Regulation that was completed before June 1, 1998 but not finally determined before that date shall be determined under the *Ontario Disability Support Program Act, 1997* as if it were an application under section 49 of that Act.

4. (1) Subject to subsection (2), on June 1, 1998,

- (a) the information previously recorded under the *Family Benefits Act* with respect to applicants, recipients and dependants shall be deemed to be information provided under the *Ontario Disability Support Program Act, 1997*; and
- (b) a determination, notice or decision previously made under the *Family Benefits Act* with respect to applicants, recipients or dependants under that Act shall be deemed to be a determination, notice or decision under the *Ontario Disability Support Program Act, 1997*.

(2) Subsection (1) does not apply with respect to an applicant, recipient or dependant under,

- (a) clause 7 (1) (d) or (f) of the *Family Benefits Act*; or
- (b) subsection 2 (6) or (7) of the FBA Regulation.

(3) A determination, notice or decision made under the *Ontario Disability Support Program Act, 1997* shall be dealt with and finally determined in accordance with the *Family Benefits Act* and the regulations under it, as they read during the period of time to which the determination, notice or decision relates if,

- (a) it is made with respect to a matter that applies to a period before June 1, 1998; and
- (b) it relates to a person who was an applicant, recipient or dependant under the *Family Benefits Act*.

5. Sections 6 and 7 apply with respect to every person who is deemed,

- (a) under section 2 to be a recipient of income support under the *Ontario Disability Support Program Act, 1997*; or
- (b) under section 3 to be a recipient of financial assistance under that Act.

6. (1) In this section,

"statutory change in eligibility", with respect to a recipient under the *Ontario Disability Support Program Act, 1997*, means a change with respect to the recipient's eligibility for income support or financial assistance, the conditions of continuing eligibility for income support or financial assistance or the amount of income support or financial assistance that the recipient is to receive if that change results from differences between the way those matters were treated under the *Family Benefits Act* on May 31, 1998 and the way they are treated under the *Ontario Disability Support Program Act, 1997* on June 1, 1998.

(2) If a determination of the Director is not required for a statutory change in eligibility to take effect, the change shall take effect for all recipients on June 1, 1998.

(3) If a determination of the Director is required for a statutory change in eligibility to take effect, the following rules apply:

1. The Director shall, by January 31, 1999,

- i. review and update the information recorded with respect to each recipient affected by the change, and
- ii. make the determination required for the statutory change in eligibility to take effect.

2. The statutory change in eligibility shall take effect with respect to a recipient on the day the Director makes the determination with respect to that recipient.

(4) A recipient has no right to make submissions to the Director and is not entitled to a hearing by the Social Assistance Review Board or the Social Benefits Tribunal or an appeal to the Divisional Court with respect to,

- (a) a variation in the amount of income support or financial assistance that the recipient is entitled to receive as a result of a statutory change in eligibility; or
- (b) the date on which a statutory change in eligibility takes effect with respect to the recipient.

(5) If an entitlement change under section 1 of Ontario Regulation 116/98 is one to which subsection 1 (3) of that regulation applies and the Director under the *Family Benefits Act* has not made the determination referred to in that subsection by May 31, 1998, subsections (3) and (4) of this section apply with necessary modifications.

7. If a person was benefitting from the application of one of the following provisions of the FBA Regulation in the month of May, 1998, that provision shall continue to apply to the person after the transfer under subsection 2 (2) so long as the person remains otherwise eligible for income support under the *Ontario Disability Support Program Act, 1997*:

- 1. Paragraph 15 of subsection 12 (5).
- 2. Subsection 13 (4).
- 3. Section 39.
- 4. Subsection 41 (3).
- 5. Section 42.

#### REVIEWS AND APPEALS

8. (1) Sections 13 to 16 of the *Family Benefits Act* apply with necessary modifications for the purpose of continuing and finally disposing of a determination, notice or decision described in subsection 4 (3).

(2) Sections 13 to 16 of the *Family Benefits Act* apply with necessary modifications for the purpose of continuing and finally disposing of the question of whether a person is a person described in clause 7 (1) (a), (b) or (c) of Schedule D of the *Social Assistance Reform Act, 1997* if section 8 of Schedule D of that Act applies with respect to the person.

(3) For the purpose of subsections (1) and (2),

- (a) a reference in sections 13 to 16 of the *Family Benefits Act* to the Director shall be deemed to be a reference to the Director under the *Ontario Disability Support Program Act, 1997*; and



- (b) a reference in sections 13 to 16 of the *Family Benefits Act* to the board or the board of review shall be deemed to be a reference to the Social Assistance Review Board.

#### REFERENCES IN *ONTARIO DISABILITY SUPPORT PROGRAM ACT, 1997*

9. The reference in section 54 of the *Ontario Disability Support Program Act, 1997* to the Director or the Director's powers and duties shall be deemed to include a reference to the Director or the Director's powers and duties, as the case may be, under the *Family Benefits Act*.

10. (1) The reference to income support under the *Ontario Disability Support Program Act, 1997* in the definition of "social assistance" in subsection 1 (1) of the General Regulation shall be deemed to include a reference to benefits under the *Family Benefits Act*.

(2) A reference in clause 24 (2) (a) of the General Regulation to assistance under the *Ontario Works Act, 1997* shall be deemed to include a reference to general assistance under the *General Welfare Assistance Act* and a reference to a section of that Regulation shall be deemed to include a reference to the corresponding provision of Regulation 537 of the Revised Regulations of Ontario, 1990 made under the *General Welfare Assistance Act*.

(3) For the purpose the definition of "shelter" in subsection 31 (1) of the General Regulation, shelter shall include costs with respect to amounts repayable under a loan for repairs to the dwelling place approved by the Director if the loan is obtained through,

(a) the Ontario Home Renewal Program authorized by Regulation 641 of the Revised Regulations of Ontario, 1990 made under the *Housing Development Act*; or

(b) the Residential Rehabilitation Assistance Program authorized by section 51 of the *National Housing Act* (Canada).

(4) The reference in clause 39 (2) (b) of the General Regulation to basic financial assistance under the *Ontario Works Act, 1997* shall be deemed to include a reference to benefits under the *Family Benefits Act*.

(5) For the purpose of section 41 of the General Regulation, a payment made under the *Vocational Rehabilitation Services Act* is not included in income.

(6) For the purpose of subparagraph iv of paragraph 4 of subsection 44 (1) of the General Regulation, a reference to a payment under that paragraph shall be deemed to include a payment under subsection 16 (1) of Regulation 537 of the Revised Regulations of Ontario, 1990 and a payment under subsection 35 (1) of the FBA Regulation.

(7) A payment made under subsection 16 (3) of Regulation 537 of the Revised Regulations of Ontario, 1990 and a payment made under subsection 36 (1) of the FBA Regulation shall be deemed to be an amount under paragraph 6 of subsection 44 (1) of the General Regulation.

(8) A payment made under subsection 16 (4) of Regulation 537 of the Revised Regulations of Ontario, 1990 and a payment made under subsection 36 (2) of the FBA Regulation shall be deemed to be an amount under paragraph 7 of subsection 44 (1) of the General Regulation.

11. Despite the *Family Benefits Act*, on and after June 1, 1998 no application for an allowance or benefits shall be made under that Act.

12. An agreement to reimburse Ontario or an assignment or a direction with respect to benefits under the *Family Benefits Act* is enforceable under the *Ontario Disability Support Program Act, 1997* as if it were an agreement to reimburse Ontario, an assignment or a direction,

as the case may be, with respect to income support under the *Ontario Disability Support Program Act, 1997*.

13. This Regulation comes into force on June 1, 1998.

22/98

#### ONTARIO REGULATION 227/98 made under the ONTARIO WORKS ACT, 1997

Made: May 13, 1998

Filed: May 15, 1998

Amending O. Reg. 134/98  
(General)

Note: Ontario Regulation 134/98 has not previously been amended.

1. (1) The definition of "social assistance" in subsection 1 (1) of Ontario Regulation 134/98 is amended by striking out "benefits under the *Family Benefits Act*" in the second line and substituting "income support under the *Ontario Disability Support Program Act, 1997*".

(2) Clause (a) of the definition of "spouse" in subsection 1 (1) of the Regulation is amended by inserting "or the Director under the *Ontario Disability Support Program Act, 1997*" after "administrator" in the third line.

(3) Subsection 1 (2) of the Regulation is amended by striking out "purposes" in the first line and substituting "purpose".

(4) Subsection 1 (3) of the Regulation is amended by striking out "purposes" in the first line and substituting "purpose".

2. (1) Subsection 2 (1) of the Regulation is amended by striking out "and" at the end of clause (c), by adding "and" at the end of clause (d) and by adding the following clause:

(e) the person has not been determined to be a person with a disability under the *Ontario Disability Support Program Act, 1997* or a member of a prescribed class under subsection 4 (1) of Ontario Regulation 222/98 (General) made under that Act.

(2) Clause 2 (2) (a) of the Regulation is revoked and the following substituted:

(a) the person resides with a person who would be his or her spouse if the person were an applicant or recipient or the person has resided with such a spouse at any time in the past;

(3) Clauses 2 (2) (c) and (d) of the Regulation are revoked and the following substituted:

(c) there have been one or more periods totalling at least two years in which,

(i) the person's net monthly income, as determined by the administrator, other than income from support paid to or on behalf of the person, has been greater than the maximum amount of income assistance provided for a single person, or

(ii) the person's basic needs and shelter have been provided by someone other than the person's parent, an institution that provides for the person's basic needs and shelter or social assistance; or

(d) in any month,

- (i) the person's assets exceed the maximum amount of assets permitted for a single person under section 38, or
- (ii) the person's net monthly income, as determined by the administrator, other than income from support paid to or on behalf of the person, is greater than the maximum amount of income assistance provided for a single person.

**3. Section 10 of the Regulation is amended by adding the following subsection:**

(9) A person is not eligible for assistance in his or her own right under this section if he or she is under 16 years of age and is not a sole support parent.

**4. Subsections 12 (2) and (3) of the Regulation are revoked and the following substituted:**

(2) The administrator shall determine on a random basis the persons whose homes are to be visited under this section and may request a visit with or without notice.

(3) A person visiting a home under this section shall not look at things that cannot be seen in plain view.

**5. Subsection 13 (2) of the Regulation is amended by striking out "purposes" in the first line and substituting "purpose", by striking out "and" at the end of clause (b), by adding "and" at the end of clause (c) and by adding the following clause:**

- (d) income support under the *Ontario Disability Support Program Act, 1997* that may be available to a person is not a financial resource to which that person is entitled.

**6. Clause 14 (2) (b) of the Regulation is amended by striking out "or" at the end and substituting "and".**

**7. Subsection 15 (4) of the Regulation is amended by inserting after "becoming" in the last line "due or".**

**8. Section 20 of the Regulation is amended by adding the following subsection:**

(4) A responsible person may make an application on behalf of an applicant or sign an application on behalf of an applicant or the spouse of an applicant if the applicant or spouse is unable to make or sign the application by reason of disability.

**9. Section 21 of the Regulation is amended by inserting "or income support under the *Ontario Disability Support Program Act, 1997*" after "assistance" in the second line.**

**10. Subsection 27 (2) of the Regulation is amended by adding the following paragraph:**

- 6. The participant has applied for income support under the *Ontario Disability Support Program Act, 1997*, that application has not been finally disposed of and the person has not previously applied for and been refused eligibility for income support under that Act.

**11. Paragraph 1 of section 31 of the Regulation is revoked and the following substituted:**

- 1. An applicant or recipient under the *Ontario Disability Support Program Act, 1997* or a spouse included in a recipient's benefit unit under that Act.

**12. (1) Subsection 33 (1) of the Regulation is amended by striking out "may" in the first line and substituting "shall".**

**(2) Subclause 33 (2) (a) (i) of the Regulation is amended by inserting "or income support under the *Ontario Disability Support Program Act, 1997*" after "assistance" in the first line.**

**(3) Subclause 33 (2) (a) (ii) of the Regulation is amended by inserting "or income support under the *Ontario Disability Support Program Act, 1997*" after "assistance" in the first line.**

**(4) Subclause 33 (3) (a) (i) of the Regulation is amended by inserting "or income support under the *Ontario Disability Support Program Act, 1997*" after "assistance" in the first line.**

**(5) Subclause 33 (3) (a) (ii) of the Regulation is amended by inserting "or income support under the *Ontario Disability Support Program Act, 1997*" after "assistance" in the first line.**

**13. Subsection 34 (1) of the Regulation is amended by striking out "may" in the first line and substituting "shall".**

**14. Subsection 35 (1) of the Regulation is amended by striking out "may" in the first line and substituting "shall".**

**15. Subsection 36 (1) of the Regulation is amended by adding the following clause:**

- (a.1) income support under the *Ontario Disability Support Program Act, 1997*;

**16. (1) Subsection 37 (1) of the Regulation is amended by striking out "under this Part" in the first line.**

**(2) Subsection 37 (2) of the Regulation is amended by striking out "under this Part" in the first line.**

**(3) Subsection 37 (3) of the Regulation is amended by striking out "under this Part" in the first and second lines.**

**17. (1) Subsection 38 (2) of the Regulation is revoked and the following substituted:**

(2) If an applicant or recipient or a spouse included in the benefit unit has applied for income support under the *Ontario Disability Support Program Act, 1997*, the prescribed limit for assets for the benefit unit is the amount calculated in accordance with Part IV of Ontario Regulation 222/98 (General) made under that Act.

**(2) Subsection 38 (3) of the Regulation is amended by striking out "*Family Benefits Act*" in the second and third lines and substituting "*Ontario Disability Support Program Act, 1997*".**

**18. (1) Paragraph 4 of section 39 of the Regulation is amended by striking out "real" in the first line.**

**(2) Paragraph 5 of section 39 of the Regulation is amended by adding "Subject to subsection (2)" at the beginning.**

**(3) Paragraph 14 of section 39 of the Regulation is amended by striking out "real" in the first line.**

**(4) Paragraph 15 of section 39 of the Regulation is amended by striking out "real" in the first line.**

**(5) Section 39 of the Regulation is amended by adding the following paragraph:**

- 16. A payment received under the Extraordinary Assistance Plan (Canada).

(6) Section 39 of the Regulation is amended by adding the following subsection:

(2) The \$5 000 limit set out in paragraph 5 of subsection (1) applies only after the person has been in continuous receipt of income assistance for at least six months.

19. (1) The first row of the Table to paragraph 1 of section 41 of the Regulation is amended by,

(a) striking out "One Adult" in the fourth column and substituting "Recipient"; and

(b) striking out "Two Adults" in the fifth column and substituting "Recipient and Spouse".

(2) The first row of the Table to paragraph 2 of section 41 of the Regulation is amended by,

(a) striking out "One Adult" in the second column and substituting "Recipient"; and

(b) striking out "Two Adults" in the third column and substituting "Recipient and Spouse".

20. (1) Paragraph 7 of the definition of "shelter" in subsection 42 (1) of the Regulation is revoked and the following substituted:

7. Common expenses required to be contributed for a condominium unit or a co-operative housing unit except that portion of the common expenses allocated to the cost of energy for heat.

(2) Paragraph 8 of the definition of "shelter" in subsection 42 (1) of the Regulation is amended by striking out "condominium fees" and substituting "common expenses".

(3) Paragraph 3 of subsection 42 (2) of the Regulation is amended by striking out "the sum of" in the second line.

21. (1) Subsection 44 (1) of the Regulation is amended by inserting after "(3)" in the fourth line "or section 43".

(2) The first row of the Table to paragraph 1 of subsection 44 (1) of the Regulation is amended by,

(a) striking out "One Adult" in the second column and substituting "Recipient"; and

(b) striking out "Two Adults" in the third column and substituting "Recipient and Spouse".

(3) The first row of the Table to paragraph 2 of subsection 44 (1) of the Regulation is amended by,

(a) striking out "One Adult" in the second column and substituting "Recipient"; and

(b) striking out "Two Adults" in the third column and substituting "Recipient and Spouse".

(4) Subsection 44 (2) of the Regulation is amended by inserting "under this Act or the *Ontario Disability Support Program Act, 1997*" after "dependant" in the second line.

(5) The first row of the Table to paragraph 1 of subsection 44 (3) of the Regulation is amended by,

(a) striking out "One Adult" in the fourth column and substituting "Recipient"; and

(b) striking out "Two Adults" in the fifth column and substituting "Recipient and Spouse".

(6) The Table to paragraph 2 of subsection 44 (3) of the Regulation is revoked and the following substituted:

TABLE

Number of Dependants Other than a Spouse	Recipient	Recipient and Spouse
0	\$135	\$200
1	224	241
2	261	280
For each additional dependant, add \$37.		

22. Section 47 of the Regulation is revoked and the following substituted:

47. (1) Subject to subsection (2), if a member of the benefit unit is a patient in a hospital, the administrator may reduce the budgetary requirements for the person who is hospitalized.

(2) Subsection (1) does not apply for the first three months that the member of the benefit unit is a patient in a hospital.

23. Section 48 of the Regulation is amended by adding the following subsection:

(4) Despite subsection (1), if the budgetary requirements of an applicant or recipient are calculated under subsection 44 (2), income shall include the total amount of all payments of any nature paid to or on behalf of or for the benefit of any dependants of the dependant.

24. (1) Paragraph 1 of subsection 49 (1) of the Regulation is amended by striking out "employment and the amounts paid under a training program" in the first and second lines and substituting "employment, the amounts paid under a training program and net monthly income as determined by the administrator from an interest in or operation of a business".

(2) Sub-subparagraph A of subparagraph iv of paragraph 1 of subsection 49 (1) of the Regulation is amended by striking out "or spouse included in the benefit unit" in the second line and substituting "spouse included in the benefit unit or dependent adult".

(3) Subparagraph i of paragraph 2 of subsection 49 (1) of the Regulation is amended by striking out "child care provider" in the first and second lines and substituting "person".

(4) Sub-subparagraph B of subparagraph ii of paragraph 2 of subsection 49 (1) of the Regulation is amended by striking out "and less than 13 years of age" in the second line.

(5) Subparagraph i of paragraph 4 of subsection 49 (1) of the Regulation is amended by striking out "an allowance under the *Family Benefits Act*" in the first and second lines and substituting "income support under the *Ontario Disability Support Program Act, 1997*".

25. Clause 50 (2) (b) of the Regulation is revoked and the following substituted:

(b) the person is a recipient of income support under the *Ontario Disability Support Program Act, 1997*.

26. (1) Subparagraph ii of paragraph 1 of section 51 of the Regulation is amended by striking out "income assistance" in the first line and substituting "budgetary requirements".

(2) The first row of the Table to paragraph 1 of section 51 of the Regulation is amended by,

- (a) striking out "One Adult" in the fourth column and substituting "Recipient"; and
- (b) striking out "Two Adults" in the fifth column and substituting "Recipient and Spouse".

27. Paragraph 2 of section 52 of the Regulation is revoked and the following substituted:

- 2. A payment made under section 49 of the *Ontario Disability Support Program Act, 1997* to provide financial assistance for children with severe disabilities.

28. Section 53 of the Regulation is amended by adding the following paragraph:

- 9. A payment received under the Extraordinary Assistance Plan (Canada).

29. Paragraph 6 of subsection 54 (1) of the Regulation is amended by striking out "or" at the end of subparagraph i and by adding the following subparagraphs:

- iii. the purchase of or conversion to an asset that is not included as an asset under section 39, or
- iv. the purchase of or conversion to an asset that does not result in the recipient exceeding the prescribed limit for assets under section 38.

30. (1) Subparagraph ii of paragraph 1 of subsection 55 (1) of the Regulation is amended by striking out "dental and vision services" in the first line and substituting "dental services and vision items and services".

(2) Paragraph 1 of subsection 55 (1) of the Regulation is further amended by striking out "and" at the end of subparagraph ii and by adding the following subparagraphs:

- iv. the amount a member of the benefit unit is required to pay for the consumer contribution for an assistive device under the Assistive Devices Program administered by the Ministry of Health, up to the amount approved under that program, and
- v. if an assessment is required to determine eligibility for an assistive device under that program and there is no other source of funding for the assessment, the amount determined by the administrator.

(3) Subparagraph iv of paragraph 4 of subsection 55 (1) of the Regulation is amended by striking out "section 35 of Regulation 366 of the Revised Regulations of Ontario made under the *Family Benefits Act*" in the second and third lines and substituting "paragraph 4 of subsection 44 (1) of Ontario Regulation 222/98 (General) made under the *Ontario Disability Support Program Act, 1997*".

(4) Paragraph 5 of subsection 55 (1) of the Regulation is revoked and the following substituted:

- 5. If a member of the benefit unit has a guide dog, an amount not exceeding \$64 for the care of the guide dog.

(5) Section 55 of the Regulation is amended by adding the following subsections:

(1.1) Despite paragraph 6 of subsection (1), the maximum amount payable under that paragraph shall be reduced by any amount paid under paragraph 6 of subsection 44 (1) of Ontario Regulation 222/98 (General) within the applicable 12-month period.

(1.2) Despite paragraph 7 of subsection (1), the maximum amount payable under that paragraph shall be reduced by any amount paid under paragraph 7 of subsection 44 (1) of Ontario Regulation 222/98 (General) within the applicable 12-month period.

31. Subsection 56 (4) of the Regulation is revoked and the following substituted:

(4) Emergency assistance shall not be provided to or on behalf of a person subject to a period of ineligibility for income assistance under section 32, 33, 34, 35 or 36 or for income support under section 23, 24 or 25 of Ontario Regulation 222/98 (General) made under the *Ontario Disability Support Program Act, 1997*.

32. (1) The heading immediately before section 58 of the Regulation is amended by striking out "*Family Benefits Act*" and substituting "*Ontario Disability Support Program Act, 1997*".

(2) Clause 58 (a) of the Regulation is amended by inserting after "income" in the second line "determined under sections 48 to 54".

(3) Clause 58 (c) of the Regulation is amended by striking out "benefits under the *Family Benefits Act*" in the second line and substituting "income support under the *Ontario Disability Support Program Act, 1997*".

(4) Clause 58 (e) of the Regulation is revoked and the following substituted:

(e) the person or his or her spouse included in the benefit unit has not previously applied for and been refused eligibility for benefits under,

- (i) the *Ontario Disability Support Program Act, 1997*,
- (ii) clause 7 (1) (a), (b), (c) or (e) of the *Family Benefits Act*, or
- (iii) subsection 2 (5) of Regulation 366 of the Revised Regulations of Ontario, 1990 made under the *Family Benefits Act*.

33. Subsection 59 (4) of the Regulation is revoked and the following substituted:

(4) Beneficiaries under the *Family Benefits Act* and children on whose behalf financial assistance is provided under section 49 of the *Ontario Disability Support Program Act, 1997* are prescribed classes for the purpose of clause 8 (c) of the *Ontario Works Act, 1997*.

34. Section 62 of the Regulation is revoked and the following substituted:

62. (1) For the purposes of subsections 20 (2) and 23 (3) of the Act, the prescribed amount is 10 per cent of basic financial assistance.

(2) For the purpose of subsection 23 (4) of the Act, the prescribed person is the Director of the Family Responsibility Office of the Province of Ontario or a person occupying a comparable position with a similar program in a jurisdiction with which Ontario has entered into an agreement regarding the reciprocal enforcement of support orders.

(3) If a recipient ceases to be eligible because of an increase in the value of assets, the amount recoverable under section 19 of the Act shall not exceed the difference between,

- (a) the maximum value of the assets owned by the persons who were members of the benefit unit when the person was ineligible; and
- (b) the maximum value of assets permitted under section 38.

**35. Subsection 65 (1) of the Regulation is amended by striking out "purposes" in the first line and substituting "purpose".**

**36. (1) Clause 66 (3) (a) of the Regulation is amended by striking out "as the case may be" in the first line.**

**(2) Clause 66 (3) (b) of the Regulation is amended by striking out "as the case may be" in the first and second lines.**

**(3) Subsection 66 (8) of the Regulation is revoked and the following substituted:**

(8) Except as provided in section 39, a delivery agent shall not require the transfer or disposition of a property to which a lien under this section applies.

**(4) Subsection 66 (9) of the Regulation is amended by striking out "purposes" in the first line and substituting "purpose".**

**37. Section 67 of the Regulation is revoked and the following substituted:**

## PART IX REVIEWS AND APPEALS

### NOTICE OF DECISION

**67. (1)** A notice under section 24 of the Act shall be in writing and shall be delivered to the applicant or recipient personally or by prepaid regular mail to the individual's last known address.

(2) The notice shall include,

- (a) the decision and its effective date;
- (b) reasons for the decision;
- (c) a statement that the applicant or recipient must request an internal review if he or she wishes to appeal the decision to the Tribunal;
- (d) the time within which the internal review may be requested; and
- (e) the time within which the applicant or recipient may file an appeal to the Tribunal.

### DECISIONS THAT CANNOT BE APPEALED

**68.** For the purpose of paragraph 8 of subsection 26 (2) of the Act, the following are prescribed decisions:

1. A decision of the administrator not to extend the time as set out in subsection 69 (3).
2. A decision to refuse, suspend or cancel basic financial assistance or to reduce basic financial assistance on the death of a member of the benefit unit.

### REQUEST FOR INTERNAL REVIEW

**69. (1)** The prescribed time for requesting an internal review is 10 days from the day the decision is received or deemed to have been received under section 68 of the Act.

(2) A request for an internal review shall be in writing.

(3) The administrator may hold an internal review even if it was not requested within the prescribed time if the administrator is satisfied that the applicant or recipient was unable to request an internal review within that time because of circumstances beyond his or her control.

(4) If an applicant or recipient withdraws a request for an internal review, the request shall be deemed not to have been made.

### TIME AND MANNER OF CONDUCTING INTERNAL REVIEW

**70. (1)** The prescribed time for completing an internal review is 10 days from the day the administrator receives the request for internal review.

(2) The person who made a decision shall not conduct the internal review of that decision.

### DECISION ON INTERNAL REVIEW

**71. (1)** A decision made on an internal review shall be in writing and shall be delivered personally to the applicant or recipient or sent by prepaid regular mail to his or her last known address.

(2) The decision made on an internal review shall include,

- (a) the administrator's original decision;
- (b) a statement of whether the administrator's decision is confirmed, set aside or varied;
- (c) reasons for the decision on internal review; and
- (d) the effective date of the decision on internal review.

### TIME AND MANNER OF COMMENCING APPEAL TO TRIBUNAL

**72. (1)** For the purpose of subsection 28 (1) of the Act, the prescribed time for appealing a decision of the administrator is 30 days from the day the administrator's decision is final under clause 25 (3) (b) of the Act.

(2) No appeal to the Tribunal shall be commenced more than one year after the date of the administrator's decision.

(3) A request to the Tribunal for a hearing shall be made by filing with the Tribunal a notice of appeal in a form approved by the Minister.

### NOTIFICATION OF APPEAL AND WRITTEN SUBMISSIONS

**73. (1)** Upon receiving a notice of appeal, the Tribunal shall send a copy of the request to any other parties to the proceeding.

(2) If the administrator intends to file a written submission, it shall be filed with the Tribunal within 30 days after the administrator receives a copy of the notice of appeal.

(3) A copy of the administrator's written submission, if any, shall be provided to the appellant and any other party.

(4) This section and sections 74 to 80 do not apply with respect to an appeal if the Tribunal determines the appeal to be frivolous or vexatious under section 33 of the Act.

### NOTICE OF HEARING

**74. (1)** The Tribunal shall send a notice of hearing to all parties within 60 days after receiving a notice of appeal and the notice of hearing shall include the manner of holding the hearing.

- (2) The notice of hearing shall set out,
- (a) in the case of an oral hearing, the place, date and time of the hearing; or
  - (b) in the case of a paper hearing, the dates by which the parties are required to provide their written submissions and documentary evidence to the Tribunal.
- (3) The Tribunal shall give the parties at least 30 days notice of the hearing.

#### NOTICE TO DIRECTOR OF APPEALS

75. For the purpose of section 29 of the Act, the following are the prescribed appeals:

1. Appeals involving issues of general importance.
2. Appeals involving the interpretation of this or any other legislation.

#### CONDUCT OF ORAL HEARING OF TRIBUNAL

76. (1) The appellant shall present his or her case first on an oral hearing of an appeal before the Tribunal unless the administrator agrees otherwise.

(2) Unless the parties agree otherwise, a party who intends to produce written or documentary evidence or written submissions at an oral hearing shall provide copies of that evidence or those submissions to the other parties and the Tribunal,

- (a) in the case of the appellant, at least 20 days before the hearing; and
- (b) in the case of the administrator and any other parties, at least 10 days before the hearing.

(3) If a party does not produce evidence or submissions in accordance with subsection (2) or subsection 73 (2), the Tribunal may, on the terms and conditions it considers appropriate,

- (a) adjourn the hearing;
- (b) refuse to accept the evidence; or
- (c) accept the evidence.

(4) The Tribunal shall ensure that the evidence at an oral hearing of an appeal is recorded by notes taken by a member of the Tribunal participating in the hearing or by a method from which a transcript can be produced.

#### INTERIM ASSISTANCE

77. For the purpose of subsection 30 (1) of the Act, interim assistance shall not exceed the maximum amount payable for income assistance and benefits permitted under the Act.

#### DECISION OF TRIBUNAL

78. (1) The Tribunal shall deliver a written decision to the parties to an appeal within 60 days after it last receives evidence or submissions on the appeal.

(2) The Tribunal's findings of fact shall be based exclusively on evidence admissible and facts of which notice may be taken under sections 15, 15.1, 15.2 and 16 of the *Statutory Powers Procedure Act*.

(3) The Tribunal's decision shall include the principle findings of fact and its conclusions based on those findings.

- (4) If an appellant withdraws a notice of appeal,
- (a) the Tribunal is not required to deliver a decision; and
- (b) the withdrawal shall be deemed to be a final order denying the appeal for the purpose of section 32 of the Act.

#### RECONSIDERATION BY TRIBUNAL

79. (1) A person requesting a reconsideration of a decision of the Tribunal shall file the request in a form approved by the Minister within 30 days after receiving the decision to which it applies and shall serve that request on the other parties to the original decision.

(2) Subject to subsection (3), the Tribunal may extend the time for requesting the reconsideration if it is satisfied that there are apparent grounds for a reconsideration and that there are reasonable grounds for applying for the extension.

(3) No request for a reconsideration may be made more than one year after the decision.

(4) The other parties may make written submissions to the Tribunal in response to the request for reconsideration if they do so within 15 days after receiving the request for reconsideration.

(5) The Tribunal shall issue a decision as to whether to hold a reconsideration hearing not sooner than 20 days after the request is made nor more than 60 days after the request is made.

(6) Sections 74 to 78 apply with necessary modifications to the conduct of a reconsideration hearing and for that purpose,

- (a) the person requesting the reconsideration shall present his or her case first and deliver the material set out in subsection 76 (2) in accordance with clause 76 (2) (a); and
- (b) the other parties shall deliver the material set out in subsection 76 (2) in accordance with clause 76 (2) (b).

#### SUBSEQUENT APPEAL ON SAME ISSUE

80. For the purpose of subsection 34 (2) of the Act, the prescribed period is a period of two years after the date of the administrator's decision.

#### APPEAL TO DIVISIONAL COURT

81. (1) A person appealing a decision of the Tribunal to the Divisional Court shall file a notice of appeal with the Divisional Court within 30 days after receiving the decision.

(2) If a party has made a request to the Tribunal for a reconsideration of its decision, no party may commence an appeal to the Divisional Court until,

- (a) the Tribunal has held the reconsideration and delivered a decision;
- (b) the Tribunal has refused to hold a reconsideration; or
- (c) the request for the reconsideration has been withdrawn.

(3) If subsection (2) applies, the notice of appeal with the Divisional Court shall be filed within 30 days after the occurrence referred to in subsection (2), rather than as provided in subsection (1).



## RECORD FOR COURT

82. (1) For the purpose of subsection 36 (2) of the Act, the prescribed documents are,

- (a) the notice of appeal;
- (b) the original decision of the administrator;
- (c) any written submissions filed with the Tribunal;
- (d) any written or documentary evidence filed with the Tribunal;
- (e) any correspondence to or from the Tribunal concerning the conduct of the appeal;
- (f) the final decision and any preliminary decisions of the Tribunal;
- (g) the transcript of the Tribunal's hearing, if it is available, or the notes taken by a member of the Tribunal in accordance with subsection 76 (4); and
- (h) any documents with respect to a request to the Tribunal for a reconsideration or with respect to a reconsideration hearing.

(2) For the purpose of subsection 36 (2) of the Act, the record in an appeal shall be deemed to be filed forthwith if it is filed within 60 days after the Tribunal receives the notice of appeal to the Divisional Court.

## PAPER HEARINGS

83. For the purpose of subsection 65 (2) of the Act, the cases on which the Tribunal shall hold a paper hearing are those cases where all parties consent to such a hearing.

38. (1) Subject to subsection (2), this Regulation comes into force on June 1, 1998.

(2) Section 3 shall be deemed to have come into force on May 1, 1998.

22/98

**ONTARIO REGULATION 228/98**  
made under the  
**ONTARIO WORKS ACT, 1997**

Made: May 13, 1998  
Filed: May 15, 1998

Amending O. Reg. 135/98  
(Administration and Cost Sharing)

Note: Ontario Regulation 135/98 has not previously been amended.

1. Section 5 of Ontario Regulation 135/98 is amended by striking out "this Act" in the first line and substituting "the Act".

2. (1) Subsection 7 (1) of the Regulation is amended by inserting after "payable" in the first line "by Ontario".

(2) Section 7 of the Regulation is amended by adding the following subsection:

(3) The Minister may deduct from a subsidy payable by Ontario to a delivery agent under this section an amount equal to the sum of,

- (a) the amount the delivery agent is required to pay to Ontario under section 23 of Ontario Regulation 137/98 (Transition from General Welfare Assistance and Family Benefits to Ontario Works), made under the *Social Assistance Reform Act*, 1997;
- (b) the amount the delivery agent is required to pay to Ontario under section 68.2 of Regulation 262 of the Revised Regulations of Ontario, 1990, made under the *Day Nurseries Act*; and
- (c) the amount the delivery agent is required to pay to Ontario under section 2 of Ontario Regulation 225/98 (Administration and Cost Sharing), made under the *Ontario Disability Support Program Act*, 1997.

3. Section 9 of the Regulation is amended by striking out "this Act" in the fourth line and substituting "the Act".

4. Section 14 of the Regulation is revoked and the following substituted:

## ACCOMMODATION FOR APPEALS

14. A delivery agent shall provide a suitable room and other necessary accommodation for holding hearings of the Tribunal in the delivery agent's geographic area.

5. (1) Subject to subsection (2), this Regulation comes into force on June 1, 1998.

(2) Sections 1, 2 and 3 shall be deemed to have come into force on May 1, 1998.

22/98

**ONTARIO REGULATION 229/98**  
made under the  
**SOCIAL ASSISTANCE REFORM ACT**

Made: May 13, 1998  
Filed: May 15, 1998

Amending O. Reg. 137/98  
(Transition from General Welfare Assistance  
and Family Benefits to Ontario Works)

Note: Ontario Regulation 137/98 has not previously been amended.

1. Subsection 2 (3) of Ontario Regulation 137/98 is amended by striking out "as they read on April 30, 1998" in the third and fourth lines and substituting "as they read during the period of time to which the determination, notice or decision relates".

2. Subsection 10 (5) of the Regulation is amended by striking out "as they read on the day before the day of transfer" in the third and fourth lines and substituting "as they read during the period of time to which the determination, notice or decision relates".

3. Clause 13 (2) (a) of the Regulation is amended by striking out "entitled to" in the first line and substituting "eligible for".

4. Sections 14, 15, 16, 17, 18 and 19 of the Regulation are revoked and the following substituted:

14. (1) Despite the revocation of section 16, if the administrator has given notice under subsection 16 (1) or (4) with respect to a matter before June 1, 1998, subsections 16 (1) to (5) and (7) to (10), as they read on May 31, 1998, continue to apply with respect to that matter.

(2) Despite the revocation of subsection 16 (5), if, on June 1, 1998, an applicant or recipient has not requested a hearing but would have

been entitled to request a hearing if that subsection had not been revoked, the applicant or recipient may appeal the administrator's decision to the Tribunal in accordance with section 28 of the *Ontario Works Act, 1997* if he or she does so within the time set out in subsection 16 (5), as it read on May 31, 1998.

(3) Despite the revocation of section 17, that section, as it read on May 31, 1998, continues to apply with respect to a matter if the applicant or recipient has requested a hearing by the board with respect to that matter before June 1, 1998.

(4) Despite the revocation of section 18, that section, as it read on May 31, 1998, continues to apply with respect to a matter if a party to a proceeding before the board has filed an appeal to the Divisional Court under that section before June 1, 1998.

(5) Despite the revocation of section 19, that section, as it read on May 31, 1998, continues to apply with respect to a matter to which subsection (3) or (4) applies.

**5. (1) Section 20 of the Regulation is amended by adding the following subsections:**

(0.1) A reference to the *Ontario Works Act, 1997* in the definition of "social assistance" in subsection 1 (1) of Ontario Regulation 134/98 shall be deemed to include a reference to assistance under the *General Welfare Assistance Act* and benefits under the *Family Benefits Act*.

(0.2) A reference in paragraph 1 of section 31 of Ontario Regulation 134/98 to an applicant or recipient under the *Ontario Disability Support Program Act, 1997* or a spouse included in a recipient's benefit unit under that Act shall be deemed to include a reference to an applicant, or recipient or spouse under the *Family Benefits Act*.

(2) Subsection 20 (2) of the Regulation is amended by adding at the end "and benefits under the *Family Benefits Act*."

(3) Subsection 20 (3) of the Regulation is amended by adding at the end "and a payment under section 35 of Regulation 366 of the Revised Regulations of Ontario, 1990 made under the *Family Benefits Act*".

**6. (1) Subsections 27 (2) and (5) of the Regulation are revoked.**

**(2) Section 27 of the Regulation is amended by adding the following subsection:**

(6) A reference in clause 50 (2) (b) of Ontario Regulation 134/98 to income support under the *Ontario Disability Support Program Act, 1997* shall be deemed to include a reference to benefits under the *Family Benefits Act*.

**7. Despite the repeal of the *General Welfare Assistance Act* and the revocation of Regulation 537 of the Revised Regulations of Ontario, 1990, section 19.1 of that Regulation, as it read on April 30, 1998, continues to apply to require delivery agents under the *Ontario Works Act, 1997* to pay for special necessities for beneficiaries**

**under the *Family Benefits Act* as if those delivery agents were municipalities or bands.**

**8. (1) Subject to subsection (2), this Regulation comes into force on June 1, 1998.**

**(2) Section 7 shall be deemed to have come into force on May 1, 1998.**

22/98

# **ONTARIO REGULATION 230/98** made under the **FAMILY BENEFITS ACT**

Made: May 13, 1998

Filed: May 15, 1998

Amending Reg. 366 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 366 has been amended by Ontario Regulations 485/97, 114/98 and 138/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Subparagraph i of paragraph 18 of subsection 13 (2) of Regulation 366 of the Revised Regulations of Ontario, 1990 is amended by striking out "Family Benefits Act or of income assistance under the *Ontario Works Act, 1997*" in the first and second lines and substituting "Family Benefits Act, of income assistance under the *Ontario Works Act, 1997* or of income support under the *Ontario Disability Support Program Act, 1997*".**

**(2) Subparagraph ii of paragraph 18 of subsection 13 (2) of the Regulation is amended by inserting "or the *Ontario Disability Support Program Act, 1997*" after "*Ontario Works Act, 1997*" in the second and third lines.**

**(3) Subsection 13 (15) of the Regulation is amended by striking out "Act or income assistance under the *Ontario Works Act, 1997*" where it appears and substituting "Act, income assistance under the *Ontario Works Act, 1997* or income support under the *Ontario Disability Support Program Act, 1997*".**

**2. Subsection 35 (3) of the Regulation is revoked and the following substituted:**

**(3) The total amount payable under this section and under subsection 16 (1) of Regulation 537 of the Revised Regulations of Ontario, 1990 made under the *General Welfare Assistance Act*, as it read on April 30, 1998, shall not exceed \$799 in any 12-month period.**

**3. This Regulation comes into force on June 1, 1998.**

22/98



**ONTARIO REGULATION 231/98**made under the  
**DAY NURSERIES ACT**

Made: May 13, 1998

Filed: May 15, 1998

Amending Reg. 262 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 262 has been amended by Ontario Regulations 112/97, 482/97 and 139/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Clause (a) of the definition of "person in need" in section 1 of Regulation 262 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(a) a person eligible for income support under the *Ontario Disability Support Program Act, 1997*,

(a.1) a person eligible for an allowance under the *Family Benefits Act*,

**2. Subsection 51 (2) of the Regulation is amended by inserting after "on behalf of a" in the second line "delivery agent" and by inserting after "with the" in the third line "delivery agent".**

**3. Section 66.1 of the Regulation is amended by inserting after "agreements" in the second line "with municipalities, prescribed boards or other persons" and by adding the following subsection:**

(2) The following services are prescribed as services respecting the provision of which the Minister may enter into agreements with delivery agents for the purposes of subsection 7.2 (1) of the Act:

1. The provision of in-home services with respect to which a delivery agent enters into an agreement under subsection 5 (1) of the Act.
2. The provision of in-home services under an agreement with the Minister.
3. The provision of resource centres that provide information, public education, consultation, supports and services to individuals, including parents, with respect to the care they give to children.
4. The provision of staff, equipment, supplies or services in a place where private-home day care is provided or in a day nursery with respect to the special needs of handicapped children.
5. The provision of day nursery services by a day nursery.
6. The provision of private-home day care by a private-home day care agency.
7. The provision of funding to participants in employment assistance activities under the *Ontario Works Act, 1997* for the care of a child less than 12 years of age or of a handicapped child less than 18 years of age, where the child care is provided to enable the participants to so participate.

**4. The Regulation is amended by adding the following section:**

**RÈGLEMENT DE L'ONTARIO 231/98**pris en application de la  
**LOI SUR LES GARDERIES**

pris le 13 mai 1998

déposé le 15 mai 1998

modifiant le Règl. 262 des R.R.O. de 1990  
(Dispositions générales)

**Remarque :** Depuis le 1<sup>er</sup> janvier 1997, le Règlement 262 a été modifié par les Règlements de l'Ontario 112/97, 482/97 et 139/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. L'alinéa a) de la définition de «personne dans le besoin» à l'article 1 du Règlement 262 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :**

a) d'une personne admissible au soutien du revenu aux termes de la *Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées*;

a.1) d'une personne admissible à une allocation aux termes de la *Loi sur les prestations familiales*.

**2. Le paragraphe 51 (2) du Règlement est modifié par insertion de «d'un agent de prestation des services,» après «pour le compte» à la deuxième ligne et par insertion de «l'agent de prestation des services,» après «avec» à la troisième ligne.**

**3. L'article 66.1 du Règlement est modifié par insertion de «avec les municipalités, les conseils prescrits ou d'autres personnes» après «ententes» à la deuxième ligne et par adjonction du paragraphe suivant :**

(2) Les services suivants sont prescrits comme des services à l'égard de la prestation desquels le ministre peut conclure des ententes avec les agents de prestation des services pour l'application du paragraphe 7.2 (1) de la Loi :

1. La prestation de services à domicile à l'égard desquels un agent de prestation des services conclut une entente en vertu du paragraphe 5 (1) de la Loi.
2. La prestation de services à domicile aux termes d'une entente conclue avec le ministre.
3. La fourniture de centres de documentation chargés de fournir des renseignements, des services en matière d'éducation publique, des services de consultation, des appuis et autres services aux particuliers, y compris les pères et mères, en ce qui a trait aux soins qu'ils donnent aux enfants.
4. La dotation en personnel, en équipement ou en fournitures ou la prestation de services à un endroit où des services de garde d'enfants en résidence privée sont fournis ou dans une garderie en ce qui a trait aux besoins particuliers des enfants handicapés.
5. La prestation de services de garderie par une garderie.
6. La prestation de services de garde d'enfants en résidence privée par une agence de garde d'enfants en résidence privée.
7. La fourniture de fonds aux personnes qui participent à des activités liées à l'aide à l'emploi prévues par la *Loi de 1997 sur le programme Ontario au travail* relativement aux soins à fournir aux enfants de moins de 12 ans ou aux enfants handicapés de moins de 18 ans, lorsque les soins sont fournis pour permettre à ces personnes de participer à un tel programme.

**4. Le Règlement est modifié par adjonction de l'article suivant :**

## SHARING OF COSTS

67.1 (1) The amount payable to a delivery agent under an agreement with the delivery agent under section 7.2 of the Act with respect to the services prescribed under paragraphs 1, 2, and 7 of subsection 66.1 (2) of this Regulation is 80 per cent of the total costs to be paid for those services, as set out in the agreement.

(2) The amount payable to a delivery agent under an agreement with the delivery agent under section 7.2 of the Act with respect to the services prescribed under paragraphs 3 and 4 of subsection 66.1 (2) of this Regulation is 80 per cent of the total costs to be paid for those services, including the costs of providing wage subsidies, as set out in the agreement.

(3) The amount payable to a delivery agent under an agreement with the delivery agent under section 7.2 of the Act with respect to the services prescribed under paragraphs 5 and 6 of subsection 66.1 (2) of this Regulation is,

- (a) with respect to children whose parents are persons in need and who are in attendance at day nurseries or private-home day care, 80 per cent of the operating costs of providing those day nursery services or that private-home day care for those children or, if the fees payable by their parents exceed 20 per cent of those operating costs, the amount necessary to ensure that the sum of the amount payable to the delivery agent and the fees payable by their parents equals those operating costs;
- (b) with respect to handicapped children in attendance at day nurseries or private-home day care, 80 per cent of the operating costs of providing those day nursery services or that private-home day care for those handicapped children or, if the fees payable by their parents exceed 20 per cent of those operating costs, the amount necessary to ensure that the sum of the amount payable to the delivery agent and the fees payable by their parents equals those operating costs;
- (c) 80 per cent of the costs incurred by the delivery agent under the agreement with respect to determining whether parents are persons in need; and
- (d) with respect to wage subsidies or provider enhancement grants, 80 per cent of the costs of providing those wage subsidies or those provider enhancement grants.

(4) In clauses (3) (a) and (b),

“operating costs” does not include wage subsidies or provider enhancement grants.

5. (1) Subsection 81 (1) of the Regulation is amended by insert-after “No” in the first line “delivery agent”.

(2) Subsection 81 (2) of the Regulation is amended by inserting after “between a” in the second line “delivery agent”.

(3) Subsection 81 (4) of the Regulation is amended by inserting after “to a” in the first line “delivery agent”.

## PARTAGE DES FRAIS

67.1 (1) Le montant payable à un agent de prestation des services aux termes d'une entente conclue avec celui-ci en vertu de l'article 7.2 de la Loi relativement aux services prescrits aux termes des dispositions 1, 2 et 7 du paragraphe 66.1 (2) du présent règlement équivaut à 80 pour cent de la totalité des frais à engager pour ces services, comme l'énonce l'entente.

(2) Le montant payable à un agent de prestation des services aux termes d'une entente conclue avec celui-ci en vertu de l'article 7.2 de la Loi relativement aux services prescrits aux termes des dispositions 3 et 4 du paragraphe 66.1 (2) du présent règlement équivaut à 80 pour cent de la totalité des frais à engager pour ces services, y compris les frais à engager pour fournir les subventions salariales, comme l'énonce l'entente.

(3) Le montant payable à un agent de prestation des services aux termes d'une entente conclue avec celui-ci en vertu de l'article 7.2 de la Loi relativement aux services prescrits aux termes des dispositions 5 et 6 du paragraphe 66.1 (2) du présent règlement équivaut à ce qui suit :

- a) relativement aux enfants dont le père et la mère sont des personnes dans le besoin et qui fréquentent des garderies ou reçoivent des services de garde d'enfants en résidence privée, 80 pour cent des frais d'exploitation engagés pour fournir ces services de garderie ou de garde d'enfants en résidence privée à ces enfants ou, si les droits d'inscription payables par leurs père et mère dépassent 20 pour cent de ces frais d'exploitation, le montant nécessaire pour que la somme du montant payable à l'agent de prestation des services et des droits d'inscription payables par leurs père et mère soit égale au montant de ces frais d'exploitation;
- b) relativement aux enfants handicapés qui fréquentent des garderies ou reçoivent des services de garde d'enfants en résidence privée, 80 pour cent des frais d'exploitation engagés pour fournir ces services de garderie ou de garde d'enfants en résidence privée à ces enfants ou, si les droits d'inscription payables par leurs père et mère dépassent 20 pour cent de ces frais d'exploitation, le montant nécessaire pour que la somme du montant payable à l'agent de prestation des services et des droits d'inscription payables par leurs père et mère soit égale au montant de ces frais d'exploitation;
- c) 80 pour cent des frais engagés par l'agent de prestation des services aux termes de l'entente pour déterminer si les père et mère sont des personnes dans le besoin;
- d) relativement aux subventions salariales ou aux subventions d'aide aux fournisseurs, 80 pour cent des frais engagés pour fournir ces subventions salariales ou subventions d'aide aux fournisseurs.

(4) La définition qui suit s'applique aux alinéas (3) a) et b).

«frais d'exploitation» Ne s'entend pas des subventions salariales ou des subventions d'aide aux fournisseurs.

5. (1) Le paragraphe 81 (1) du Règlement est modifié par insertion de «Aucun agent de prestation des services,» avant «Aucune» à la première ligne.

(2) Le paragraphe 81 (2) du Règlement est modifié par insertion de «un agent de prestation des services,» après «entre» à la deuxième ligne.

(3) Le paragraphe 81 (4) du Règlement est modifié par insertion de «lui» après «de» à la première ligne et par substitution de «, un agent de prestation des services, une municipalité, une bande, un conseil prescrit ou une personne morale agréée» à «à une municipalité, une bande, un conseil prescrit ou une personne morale agréée, elle» aux première et deuxième lignes.

(4) Subsection 81 (5) of the Regulation is amended by inserting after "to a" in the first line "delivery agent".

**6. The Regulation is amended by adding the following section:**

**POWER OF DELIVERY AGENTS**

82. A delivery agent may enter into an agreement with a municipality or other person for the provision of any of the following and the administrator may make expenditures as are necessary for the purpose:

1. Resource centres that provide information, public education, consultation, supports and services to individuals, including parents, with respect to the care they give to children.
2. Staff, equipment, supplies or services in a place where private-home day care is provided or in a day nursery with respect to the special needs of handicapped children.
3. Funding to participants in employment assistance activities under the *Ontario Works Act, 1997* for the care of a child less than 12 years of age or of a handicapped child less than 18 years of age, where the child care is provided to enable the participants to so participate.

**7. This Regulation comes into force on June 1, 1998.**

(4) Le paragraphe 81 (5) du Règlement est modifié par insertion de «un agent de prestation des services,» après «à» à la première ligne.

**6. Le Règlement est modifié par adjonction de l'article suivant :**

**POUVOIR DES AGENTS DE PRESTATION DES SERVICES**

82. L'agent de prestation des services peut conclure avec une municipalité ou une autre personne une entente pour la fourniture de l'un ou plusieurs des éléments suivants et l'administrateur peut engager les dépenses nécessaires à cette fin :

1. Des centres de documentation chargés de fournir des renseignements, des services en matière d'éducation publique, des services de consultation, des appuis et autres services aux particuliers, y compris les pères et mères, en ce qui a trait aux soins qu'ils donnent aux enfants.
2. Du personnel, de l'équipement ou des fournitures ou des services à un endroit où des services de garde d'enfants en résidence privée sont fournis ou dans une garderie en ce qui a trait aux besoins particuliers des enfants handicapés.
3. Des fonds aux personnes qui participent à des activités liées à l'aide à l'emploi prévues par la *Loi de 1997 sur le programme Ontario au travail* relativement aux soins à fournir aux enfants de moins de 12 ans ou aux enfants handicapés de moins de 18 ans, lorsque les soins sont fournis pour permettre à ces personnes de participer à un tel programme.

**7. Le présent règlement entre en vigueur le 1<sup>er</sup> juin 1998.**

22/98

**ONTARIO REGULATION 232/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: May 13, 1998

Filed: May 15, 1998

**LANDFILLING SITES**

**CONTENTS**

**PART I  
GENERAL**

1. Definitions
2. Application

**PART II  
OWNERSHIP**

3. Landfilling site
4. Contaminant attenuation zone
5. Changes

**PART III  
DESIGN**

6. Design specifications
7. Buffer area
8. Hydrogeological assessment
9. Surface water assessment
10. Ground water protection
11. Leachate disposal
12. Leachate contingency plans

13. Surface water control
14. Subsurface migration of landfill gas
15. Atmospheric emissions of landfill gas
16. Operation and maintenance procedures

**PART IV  
FINANCIAL ASSURANCE**

17. Contingency plans
18. Closure and post-closure care

**PART V  
OPERATIONS**

19. Site preparation report
20. Record keeping
21. Annual operations report
22. Burning
23. Scavenging
24. Surface water monitoring
25. Ground water monitoring
26. Leachate monitoring
27. Leachate contingencies
28. Daily cover
29. Final cover
30. Final slopes

**PART VI  
CLOSURE**

31. Closure report
32. Annual post-closure care report

## PART VII COMMENCEMENT

### 33. Commencement

#### TABLES

Table 1	Leachate characteristics
Table 2	Maximum waste loadings for generic design options

#### SCHEDULES

Schedule 1	Service lives—Primary leachate collection systems
Schedule 2	Service lives—Secondary leachate collection systems
Schedule 3	Service lives—Geomembrane liners
Schedule 4	Service lives—Compacted clayey liners

## PART I GENERAL

### DEFINITIONS

#### 1. (1) In this Regulation,

"base side slope" means any portion of the base of the waste fill zone extending from ground surface downward at an angle steeper than one unit vertical to four units horizontal;

"buffer area" means that part of a landfilling site that is not waste fill area;

"contaminant attenuation zone" means a three-dimensional zone that,

- (a) is located on land adjacent to a landfilling site,
- (b) is in the subsurface or extends into the subsurface, and
- (c) is used or is intended to be used for the attenuation of contaminants from the landfilling site to levels that will not have an unacceptable impact beyond the boundary of the zone;

"contaminating life span" means,

- (a) in respect of a landfilling site, the period of time during which the site will produce contaminants at concentrations that could have an unacceptable impact if they were to be discharged from the site, and
- (b) in respect of a landfilling site and a contaminant or group of contaminants, the period of time during which the site will produce the contaminant or a contaminant in the group at concentrations that could have an unacceptable impact if they were to be discharged from the site;

"engineered facility" means anything affixed to or made part of land that is intended to be a functional element or feature of a landfilling site for more than five years and that is created or put in place by human activity;

"maximum waste loading" means, for a landfilling site, the total waste disposal volume divided by the area of the waste fill area;

"primary leachate collection system" means the uppermost leachate collection system below the waste fill zone;

"primary liner" means the uppermost liner below the waste fill zone;

"secondary leachate collection system" means a leachate collection system located below the primary leachate collection system;

"secondary liner" means a liner located below the primary liner;

"service life" means the period of time during which a properly maintained engineered facility will function in accordance with the performance specifications for its design;

"total waste disposal volume" means, for a landfilling site, the maximum volume of waste, including the volume of any daily or intermediate cover, to be deposited at the site in the space extending from the base of the waste fill zone or the top of any engineered facilities located on the base of the site to the bottom of the final cover;

"unacceptable impact" means interference with existing or potential reasonable uses of,

- (a) land,
- (b) ground water in or under land, or
- (c) surface water on land;

"waste fill area" means the area on the surface of a landfilling site beneath which or above which waste is disposed of by landfilling;

"waste fill zone" means the three-dimensional zone in which waste is disposed of by landfilling.

(2) The definitions in section 1 of Regulation 347 of the Revised Regulations of Ontario, 1990 also apply to this Regulation.

(3) For the purpose of better understanding the definition of "engineered facility" in subsection (1), the following things are examples of common engineered facilities, if they are intended to be functional elements or features of a landfilling site for more than five years:

1. Berms.
2. Drainage ditches.
3. Liners.
4. Covers.
5. Pumps.
6. Facilities to detect, monitor, control, collect, redirect or treat leachate, surface water or ground water.
7. Facilities to detect, monitor, control, collect, redirect, treat, utilize or vent landfill gas.

### APPLICATION

#### 2. (1) This Regulation applies to the following landfilling sites:

1. Every landfilling site that comes into existence on or after August 1, 1998 and that is intended at the time it comes into existence to have a total waste disposal volume of more than 40,000 cubic metres and to accept only municipal waste for disposal.
2. Every landfilling site for which an alteration, enlargement or extension is proposed on or after August 1, 1998 that involves an increase in the site's total waste disposal volume, if the site is intended after the alteration, enlargement or extension to have a total waste disposal volume of more than 40,000 cubic metres and to accept only municipal waste for disposal.

(2) Subsection (1) does not apply with respect to a landfilling site in respect of which an application for a certificate of approval has been

received by the Director under Part V of the Act before August 1, 1998, unless the operator or owner of the landfilling site gives written notice to the Director that the operator or owner wants this Regulation to apply.

(3) The notice under subsection (2) must be given before the earlier of the following dates:

1. The date the certificate of approval or provisional certificate of approval is issued.
2. January 1, 1999.

(4) The standards, procedures and requirements set out in this Regulation do not apply to the extent that terms and conditions set out in a certificate of approval or a provisional certificate of approval issued under section 39 of the Act impose different standards, procedures or requirements.

## PART II OWNERSHIP

### LANDFILLING SITE

3. The holder of a certificate of approval for a landfilling site must own the entire site in fee simple, unless the site is on Crown land.

### CONTAMINANT ATTENUATION ZONE

4. (1) If a contaminant attenuation zone is necessary for proper operation of a landfilling site, the holder of a certificate of approval for the landfilling site must own property rights respecting the contaminant attenuation zone, unless,

- (a) the contaminant attenuation zone is on Crown land and the Crown has agreed in writing to the use of the land for that purpose; or
- (b) the contaminant attenuation zone is on a public road and the road authority has agreed in writing to the use of the land for that purpose.

(2) The holder of the certificate of approval must continue to own the property rights for all of the contaminating life span of the site.

(3) The ownership of the property rights must include the right to,

- (a) discharge contaminants from the landfilling site into the contaminant attenuation zone;
- (b) enter into the contaminant attenuation zone and onto the surface above the contaminant attenuation zone for purposes of testing, monitoring, intercepting contaminants and carrying out remedial work;
- (c) install, operate and maintain works, for the purposes mentioned in clause (b), in or above the contaminant attenuation zone, including on the surface above the contaminant attenuation zone; and
- (d) prevent the owner of the land in which the contaminant attenuation zone is located from paving, erecting a structure or making any use of land above or in the vicinity of the contaminant attenuation zone that would interfere with the functioning of the contaminant attenuation zone or with the exercise of any of the rights mentioned in this subsection.

## CHANGES

5. The holder of a certificate of approval or the applicant for a certificate of approval for a landfilling site shall notify the Director in writing within 30 days after any change in his, her or its identity or status or any change in ownership of the site or ownership of property rights in the contaminant attenuation zone.

## PART III DESIGN

### DESIGN SPECIFICATIONS

6. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report has been prepared in accordance with this section.

(2) The report must describe the design of the landfilling site and must contain,

- (a) a legal survey of the site;
- (b) an up to date plan and description of the site and the area within 500 metres of the site that covers,
  - (i) all property and property boundaries,
  - (ii) all buildings, roads and utility corridors,
  - (iii) land contours, surface water drainage, water bodies, rights-of-way and other easements,
  - (iv) forested areas,
  - (v) land uses and land use designations, and
  - (vi) property conditions not otherwise covered in subclauses (i) to (v);
- (c) detailed plans, specifications and descriptions for the design of the site, including,
  - (i) a plan and description of the waste fill area, base contours for waste disposal, base contours for any leachate collection system, top contours for waste disposal and top contours with final cover,
  - (ii) the total waste disposal volume,
  - (iii) a materials balance between the sources of soils, on or off the site, and the uses of soils on the site,
  - (iv) a hydrogeological assessment of the suitability of the site for the landfilling of municipal waste that considers the geologic and hydrogeologic conditions of the site, the design of the site and the monitoring and contingency plans,
  - (v) a geotechnical assessment of the suitability of the site for the landfilling of municipal waste that considers bearing capacity, differential settlement and slope stability during construction, operation and after closure, and that addresses the potential effects on any liner or leachate collection system,
  - (vi) a description of the expected quality and quantity of leachate,
  - (vii) detailed plans, specifications and descriptions of any liner system necessary to control leachate, including construction and quality assurance and quality control procedures for the liner materials and liner system installation,

- (viii) detailed plans, specifications and descriptions of any leachate collection, treatment and disposal system necessary to control leachate, including construction and quality assurance and quality control procedures for the system components and system installation,
- (ix) an assessment of the potential for subsurface migration of landfill gas at the site and of any control system necessary for monitoring or controlling the migration,
- (x) detailed plans, specifications and descriptions of any system necessary for controlling landfill gas by venting it or by collecting and burning or using it, including construction and quality assurance and quality control procedures for the system components and system installation,
- (xi) an assessment of the potential impacts on surface water features that may be caused by the site or operations at the site,
- (xii) detailed plans, specifications and descriptions of the system for collecting, directing and discharging surface water, including details of any sediment control or other features and including construction, quality assurance and quality control procedures for the system components and system installation,
- (xiii) detailed plans, specifications and descriptions of monitoring facilities for leachate, ground water, surface water and, where appropriate, landfill gas,
- (xiv) an assessment of potential noise impacts due to operations at the site and to local trucking related to operations at the site, including an evaluation of any proposed noise control measures,
- (xv) an assessment of potential visual impacts on nearby properties due to the site and site operations,
- (xvi) detailed plans, specifications and descriptions of the buffer area and ancillary facilities, including any screening, landscaping, fencing, weigh scales, buildings, structures, access roads, internal roads, holding areas for cover material, holding areas for rejected waste or materials for recycling, and other holding areas,
- (xvii) detailed plans, specifications and descriptions of the contaminant attenuation zone, if one is necessary,
- (xviii) an estimate of the contaminating life span of the site with respect to contaminants involved in the subsurface migration of landfill gas and an estimate of the service life of any engineered facilities associated with the subsurface migration of landfill gas,
- (xix) an estimate of the contaminating life span of the site with respect to contaminants in leachate, unless a new landfilling site is being established and the design for the ground water protection features of the site meets the criteria set out in subsection 10 (4) or (5),
- (xx) an estimate of the service life of every engineered facility associated with leachate, which may be specified as the service life provided for in Schedule 1, 2, 3 or 4 if the engineered facility meets the relevant conditions set out in that Schedule,
- (xxi) details of any facilities intended to control or change the contaminating life span of the landfilling site,
- (xxii) contingency plans that can be implemented to control and dispose of leachate produced in a quantity greater than expected or with a quality worse than expected, including specifications and descriptions in sufficient detail to demonstrate the feasibility of the plans,
- (xxiii) contingency plans that can be implemented to control and dispose of landfill gas migrating in the subsurface in a quantity greater than expected or with a quality worse than expected, including specifications and descriptions in sufficient detail to demonstrate the feasibility of the plans,
- (xxiv) a description of the source, nature and quality of daily cover, including, with respect to material not normally used for daily cover, a discussion of its benefits and limitations, a description of quality assurance and quality control procedures for daily cover and a description of application rates and application procedures for daily cover, including the frequency and timing of application of daily cover if other than at the end of each working day,
- (xxv) a description of the nature, quality and quantity of final cover, including construction details and quality assurance and quality control procedures for the materials to be used and their installation,
- (xxvi) a site closure plan, including details of the proposed end use of the site, the appearance of the site after closure, revegetation, landscaping, the construction of new facilities, and the removal of existing facilities to facilitate closure, post-closure care and site end use, and
- (xxvii) a summary of the main characteristics of the landfilling site, including the maximum daily quantity of waste that will be accepted for disposal, the estimated annual average quantity of waste that will be accepted for disposal, the area of the landfilling site, the area of the waste fill area, the total waste disposal volume, the estimated waste disposal capacity in tonnes, any subcategories of municipal waste that are not expected to be received or that will not be accepted for disposal, and the estimated date of site closure.

#### BUFFER AREA

7. (1) The owner and the operator of a landfilling site shall ensure that the waste fill area is completely surrounded by buffer area in accordance with this section.

(2) The buffer area shall be at least 100 metres wide at every point.

(3) Subsection (2) does not apply to a buffer area if the buffer area is at least 30 metres wide at every point and a written report confirms that,

- (a) the buffer area provides adequate space for vehicle entry, exit, turning, access to all areas of the site and parking;
- (b) the buffer area provides adequate space on the surface of the site for all anticipated structures, equipment and activities; and
- (c) the buffer area is sufficient to ensure that potential effects of the landfilling operation do not have any unacceptable impact outside the site.

(4) For the purpose of clause (3) (c), potential effects include surface runoff, litter, vectors, vermin, leachate, subsurface migration of landfill gas and aesthetic effects.

#### HYDROGEOLOGICAL ASSESSMENT

8. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a



written report on the geologic and hydrogeologic conditions of the site and ground water protection for the site has been prepared in accordance with this section.

(2) The report must contain,

- (a) plans, specifications and descriptions of the geologic and hydrogeologic conditions of the site and the area in which the site is located; and
- (b) an assessment of the suitability of the site for the landfilling of municipal waste, taking into account,
  - (i) the design of the site, including existing features and features that will be implemented to control the expected production of leachate and the expected subsurface migration of landfill gas,
  - (ii) regional and site specific geologic and hydrogeologic conditions,
  - (iii) the ability to identify future impacts on the ground water by monitoring,
  - (iv) the feasibility of contingency plans that can be implemented to control leachate produced in a quantity greater than expected or with a quality worse than expected, and
  - (v) the feasibility of contingency plans that can be implemented to control landfill gas migrating in the subsurface in a quantity greater than expected or with a quality worse than expected.

#### SURFACE WATER ASSESSMENT

9. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report on the surface water conditions of the site and surface water protection for the site has been prepared in accordance with this section.

(2) The report must contain,

- (a) plans, specifications and descriptions of the surface water features on the site, the surface water features that will receive a direct discharge from the site and the surface water features of the area in which the site is located; and
- (b) an assessment of the suitability of the site for the landfilling of municipal waste, taking into account,
  - (i) the design of the site, including existing features and features that will be implemented to control the expected production of leachate, the flow of surface water, and erosion and sedimentation resulting from the flow of surface water,
  - (ii) the surface water features on the site, the surface water features that will receive a direct discharge from the site and the surface water features of the area in which the site is located,
  - (iii) the ability to identify future impacts on the surface water features by monitoring, and
  - (iv) the feasibility of contingency plans that can be implemented to control surface water impacts resulting from the production of leachate in a quantity greater than expected or with a quality worse than expected.

#### GROUND WATER PROTECTION

10. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report describing the design for the ground water protection features of the site has been prepared in accordance with this section.

(2) The design for the ground water protection features of the site must,

- (a) if a new landfilling site is being established, meet the criteria set out in subsection (3), (4) or (5); or
  - (b) if the total waste disposal volume of an existing landfilling site is being increased, meet the criteria set out in subsection (3).
- (3) The design for the ground water protection features of a landfilling site complies with subsection (2) if it meets the following criteria:
- 1. The objective of the design must be that the site will not cause the concentration of any contaminant listed in Column 1 of Table 1 to exceed the maximum allowable concentration for the contaminant in the ground water at any point on any adjacent property.
  - 2. For the purpose of paragraph 1, the maximum allowable concentration for a contaminant shall be determined in accordance with the following formula:

$$C_m = C_b + X(C_r + C_b),$$

where,

$C_m$  is the maximum allowable concentration for the contaminant,

$C_b$  is the background concentration of the contaminant in the ground water of the receptor aquifer,

$C_r$  is the health related drinking water objective for the contaminant or the aesthetic drinking water objective for the contaminant, whichever is applicable, as set out in column 5 or 6 of Table 1, and

$X$  is,

(a) 0.25, if  $C_r$  is a health related drinking water objective, or

(b) 0.50, if  $C_r$  is an aesthetic drinking water objective.

- 3. The initial source concentration, mass as a proportion of total (wet) mass and half-life in leachate set out in Columns 2, 3 and 4 of Table 1 must be used for the purposes of evaluating the design with respect to the objective set out in paragraph 1.
- 4. The design must consider both advective and diffusive contaminant transport and must include examination of the effect of the failure of any engineered facilities when their service lives are reached.
- 5. A service life set out in Schedule 1, 2, 3 or 4 for an engineered facility may be used for the purpose of evaluating the design with respect to the objective set out in paragraph 1 if the relevant conditions set out in that Schedule are met.
- 6. Despite paragraphs 1, 2 and 3, if it is appropriate because of the nature of the waste or because the reasonable use of the ground water on the adjacent property is other than for drinking water, the Director may,
  - i. for the purpose of evaluating the design with respect to the objective set out in paragraph 1,

- A. require or permit the use of values specified by the Director for Cr and X in the formula set out in paragraph 2, instead of the values set out in that paragraph, and
- B. require or permit the use of an initial source concentration, mass as a proportion of total (wet) mass or half-life in leachate specified by the Director instead of the initial source concentration, mass as a proportion of total (wet) mass or half-life in leachate set out in Column 2, 3 or 4 of Table 1, or

ii. require or permit the objective of the design to be based in whole or in part on contaminants other than those listed in Column 1 of Table 1 and, for the purpose of evaluating the design with respect to that objective,

- A. require or permit the use of values specified by the Director with respect to each of the other contaminants for Cr and X in the formula set out in paragraph 2, and
- B. require or permit the use of an initial source concentration, mass as a proportion of total (wet) mass or half-life in leachate specified by the Director with respect to each of the other contaminants.

(4) The design for the ground water protection features of a new landfilling site that is being established complies with clause (2) (a) if it meets the following criteria:

1. The maximum waste loading for any given background concentration of chloride in the ground water of the receptor aquifer must not be more than the value set out for that concentration in Column 1 of Table 2.
2. The infiltration rate through the final cover of the landfilling site must be greater than or equal to 0.15 metres per year.
3. There must be, at the base of the waste fill zone, a natural or engineered layer of soil in which attenuation of contaminants from the wastes in the site may take place and that meets the following conditions:
  - i. The layer must be at least three metres thick.
  - ii. The layer must consist of material that is relatively homogeneous.
  - iii. The layer must have a hydraulic conductivity less than or equal to  $1 \times 10^{-7}$  metres per second.
4. The waste fill zone must have a ground water protection system above the attenuation layer referred to in paragraph 3 and below the waste consisting of, from bottom to top,
  - i. a primary liner consisting of,
    - A. a clayey liner at least 0.75 metres thick that meets the conditions set out in Schedule 4 for an unlimited service life, has a hydraulic conductivity of not more than  $1 \times 10^{-9}$  metres per second, and has an organic carbon content of at least 0.1 per cent, and
    - B. a high density polyethylene (HDPE) geomembrane liner at least 1.5 millimetres thick that meets the conditions set out in Schedule 3 for a 150-year service life, and
  - ii. a primary leachate collection system that meets the conditions set out in Schedule 1 for a 100-year service life.

(5) The design for the ground water protection features of a new landfilling site that is being established complies with clause (2) (a) if it meets the following criteria:

1. The maximum waste loading for any given background concentration of chloride in the ground water of the receptor aquifer must not be more than the value set out for that concentration in Column 2 of Table 2.
2. The infiltration rate through the final cover of the landfilling site must be greater than or equal to 0.15 metres per year.
3. There must be, at the base of the waste fill zone, a natural or engineered layer of soil in which attenuation of contaminants from the wastes in the site may take place and that meets the following conditions:
  - i. The layer must be at least one metre thick.
  - ii. The layer must consist of material that is relatively homogeneous.
  - iii. The layer must have a hydraulic conductivity less than or equal to  $1 \times 10^{-7}$  metres per second.
4. The waste fill zone must have a ground water protection system above the attenuation layer referred to in paragraph 3 and below the waste consisting of, from bottom to top,
  - i. a secondary liner consisting of,
    - A. a clayey liner at least 0.75 metres thick that meets the conditions set out in Schedule 4 for an unlimited service life, has a hydraulic conductivity of not more than  $1 \times 10^{-9}$  metres per second, and has an organic carbon content of at least 0.1 per cent, and
    - B. a high density polyethylene (HDPE) geomembrane liner at least 2.0 millimetres thick that meets the conditions set out in Schedule 3 for a 350-year service life,
  - ii. a secondary leachate collection system that meets the conditions set out in Schedule 2 for a 1000-year service life.
  - iii. a primary liner consisting of,
    - A. a clayey liner at least 0.75 metres thick that meets the conditions set out in Schedule 4 for an unlimited service life, has a hydraulic conductivity of not more than  $1 \times 10^{-9}$  metres per second, and has an organic carbon content of at least 0.1 per cent, and
    - B. a high density polyethylene (HDPE) geomembrane liner at least 1.5 millimetres thick that meets the conditions set out in Schedule 3 for a 150-year service life, and
  - iv. a primary leachate collection system that meets the conditions set out in Schedule 1 for a 60-year service life.

(6) For the purpose of this section, the background concentration of a contaminant in the ground water of the receptor aquifer is the median value for that contaminant based on all ground water samples taken from the receptor aquifer in accordance with the following rules:

1. At least five samples must be taken.
2. The samples must be taken at or near the site boundary where the potential impact is being examined.
3. The samples must not be taken from locations known to be or likely to be contaminated by human activity.



## LEACHATE DISPOSAL

11. A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report containing plans, specifications and descriptions for the management and disposal of any leachate collected at the site has been prepared.

## LEACHATE CONTINGENCY PLANS

12. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report containing plans, specifications and descriptions for a leachate contingency plan for the site has been prepared in accordance with this section.

(2) The report must contain the following:

1. A description of the contingency measures, including the collection of leachate that would be carried out, if necessary, if a liner or leachate collection system fails or if leachate otherwise leaves the waste fill zone in a quantity greater than expected or with a quality worse than expected.
2. A statement of the maximum allowable concentrations for contaminants in the ground water at any point on any adjacent property and in any surface water feature on the site.
3. A description of the ground water monitoring stations to be used to identify potential increases in contaminant concentrations in the ground water beneath the site and predict potential increases at the property boundary and in any surface water feature on the site before any increases occur.
4. A discussion of the basis on which the monitoring stations referred to in paragraph 3 will be brought into service, indicating that stations near the waste fill area will be brought into service not later than the date that placement of the waste begins.
5. A description of the trigger criteria for initiating investigative activities into the cause of an increase in contaminant concentrations in ground water and in any surface water feature on the site, indicating that the criteria relate to the magnitude of the increase in contaminant concentrations or the magnitude of the rate of increase in contaminant concentrations.

## SURFACE WATER CONTROL

13. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report containing plans, specifications and descriptions for the control, treatment and discharge of surface water at the site during construction, site operation and following closure has been prepared in accordance with this section.

(2) The plans, specifications and descriptions must ensure that,

- (a) the concentration of any contaminant in surface water being discharged from the site to a waterbody is in accordance with Ministry of Environment and Energy Guideline B - 1, Water Management, dated July 1994, and Ministry of Environment and Energy Procedure B - 1 - 1, Water Management, dated July 1994, as they may be amended from time to time; and
- (b) the background levels for dissolved oxygen, turbidity, and temperature, and the hydrologic cycle of any on-site, adjacent or receiving surface water features, are not adversely affected by the site.

## SUBSURFACE MIGRATION OF LANDFILL GAS

14. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report has been prepared in accordance with this section that contains the following:

1. An assessment of the potential for the migration of landfill gas in the subsurface.
  2. Plans, specifications and descriptions for the monitoring, control, collection, use or discharge of landfill gas at the site if, on the basis of the assessment, any of these actions are necessary.
- (2) The design of the site and any plans, specifications and descriptions for the control of landfill gas must ensure that the subsurface migration of landfill gas meets the following conditions:
1. The concentration of methane gas below the surface of the land at the boundary of the site must be less than 2.5 per cent by volume.
  2. The concentration of methane gas must be less than 1.0 per cent by volume in any on-site building or enclosed structure, and in the area immediately outside the foundation or basement floor of the building or structure, if the building or structure is accessible to any person or contains electrical equipment or a potential source of ignition.
  3. Paragraph 2 does not apply to a leachate collection, storage or treatment facility or landfill gas collection or treatment facility for which specific health and safety measures and procedures are in place relating to the risk of asphyxiation and the risk of explosion.
  4. The concentration of methane gas from the site must be less than 0.05 per cent by volume in any off-site building or enclosed structure, and in the area immediately outside the foundation or basement floor of the building or structure, if the building or structure is accessible to any person or contains electrical equipment or a potential source of ignition.

## ATMOSPHERIC EMISSIONS OF LANDFILL GAS

15. (1) A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a written report has been prepared respecting the design of facilities for the collection, and for the burning or use, of landfill gas generated by the site during site operation and following site closure.

(2) Subsection (1) applies only if a new landfilling site is being established with a total waste disposal volume of more than 3.0 million cubic metres or the total waste disposal volume of an existing landfilling site is being increased to more than 3.0 million cubic metres.

(3) Subsection (1) does not apply if a written report is prepared showing that, based on the characteristics of the site and the type of waste to be deposited, the nature and quantity of landfill gas generated at the site is not likely to be of significant concern.

(4) Subsection (1) does not apply to a landfilling site associated with forest products operations, such as the operations of a lumber mill, saw-mill, pulp mill or similar facility, if the waste to be deposited at the site is produced by the forest products operations and is predominantly solid, non-hazardous process waste, such as woodwaste, effluent treatment solids, hog fired boiler ash, recycling process rejects, lime mud, grits or dregs.

## OPERATION AND MAINTENANCE PROCEDURES

16. A person shall not establish a new landfilling site or increase the total waste disposal volume of an existing landfilling site unless a writ

ten report has been prepared containing plans, specifications and descriptions of the operation, maintenance, monitoring, closure and post-closure care of the site, including matters related to record-keeping, reporting and financial assurance.

#### PART IV FINANCIAL ASSURANCE

##### CONTINGENCY PLANS

17. (1) The owner and the operator of a landfilling site shall ensure that financial assurance is provided for the contingency plans for the site, including the construction, operation, maintenance and replacement of works required by the contingency plans.

(2) The financial assurance shall be provided in the form of a cash deposit paid to the Director or in such other form, such as a bond, a letter of credit or negotiable securities, as is acceptable to the Director.

(3) Subject to subsection (4), the amount of the financial assurance shall be determined in accordance with the following formula:

$$F = \$0.50 \times W \times (I_2 \div I_1)$$

where,

F = the amount of the financial assurance,

W = the number of tonnes of waste that have been deposited in the landfilling site at the time the amount of financial assurance is calculated,

$I_1$  = the 1997 Annual Average Non-residential Building Construction Price Index for Toronto, determined with reference to the same base year as is applicable to  $I_2$ , as published by Statistics Canada under the authority of the *Statistics Act* (Canada),

$I_2$  = the most recent Annual Average Non-residential Building Construction Price Index for Toronto available at the time the amount of the financial assurance is calculated, as published by Statistics Canada under the authority of the *Statistics Act* (Canada).

(4) The amount of financial assurance provided shall be updated annually or as otherwise required by the Director.

(5) The financial assurance shall remain in place until a written report is prepared that shows that the financial assurance is no longer required.

(6) The financial assurance may be used by the Director to pay for expenses related to any planned or unplanned closure of the site or to the post-closure care of the site, if the owner fails, on the request of the Director, to perform the work or cover the expenses.

(7) The owner and the operator of a landfilling site shall ensure that any amount of financial assurance used by the Director under subsection (6) is replaced within six months after it is used unless the Director directs otherwise.

(8) Subsection (1) does not apply to require site specific financial assurance if financial assurance for the contingency plans is provided by a group financial assurance plan acceptable to the Director.

(9) Subsection (1) does not apply in respect of a landfilling site owned by a municipality or the Crown.

(10) Subsection (1) does not apply to a landfilling site owned by a forest products company if the waste to be deposited at the site is produced by forest products operations, such as the operations of a lumber mill, sawmill, pulp mill or similar facility, and is predominantly solid, non-hazardous process waste, such as woodwaste, effluent treatment solids, hog fired boiler ash, recycling process rejects, lime mud, grits or dregs.

##### CLOSURE AND POST-CLOSURE CARE

18. (1) The owner and the operator of a landfilling site shall ensure that financial assurance for the closure of the site and the post-closure care of the site is provided in accordance with this section.

(2) The financial assurance shall be provided in the form of a cash deposit paid to the Director or in such other form, such as a bond, a letter of credit or negotiable securities, as is acceptable to the Director.

(3) The amount of the financial assurance shall be the present value at the estimated date of closure, in dollars current at that date, of an amount sufficient to cover the estimated costs for,

- (a) the planned closure of the largest area that will require final cover at any one time during the operation of the site, including the costs of final cover and landscaping;
- (b) care and maintenance of the final cover and landscaping for the contaminating life span of the site; and
- (c) all other expected post-closure care activities for the contaminating life span of the site, including monitoring, analysis and reporting, the design, construction, operation, maintenance and replacement of engineered facilities and the disposal of wastes from the facilities, but not including any additional activities in the contingency plans for the site.

(4) Any determination of the amount of the financial assurance shall be carried out in a manner consistent with Ministry of Environment and Energy Guideline F - 15, Financial Assurance, dated April 1994, and Ministry of Environment and Energy Procedure F - 15 - 1, Procedures for Financial Assurance, dated April 1994, as they may be amended from time to time.

(5) Clause (3) (a) does not apply if part of the site is closed not less often than every five years.

(6) If costs are estimated under subsection (3) for any matter related to leachate from the site, the contaminating life span of the site may not be estimated at less than 25 years from the date waste is last deposited at the site.

(7) The financial assurance may be provided in stages as long as the amount that has been provided is always greater than the minimum amount determined in accordance with the following formula:

$$A = B(C \div D)$$

where,

A = the minimum amount of financial assurance that must have been provided,

B = the total amount of the financial assurance, as estimated under subsection (3),

C = the amount of waste that has already been deposited at the site,

D = the total amount of waste that will be deposited at the site.

(8) The estimation of costs and the amount of the financial assurance provided shall be updated annually or as otherwise required by the Director.

(9) The financial assurance shall remain in place until a written report is prepared that shows that the financial assurance is no longer required.

(10) The financial assurance may be used by the Director to pay for expenses related to any planned or unplanned closure of the site if the owner fails, on the request of the Director, to perform the work or cover the expenses.

(11) The owner and the operator of a landfilling site shall ensure that any amount of the financial assurance used by the Director under subsection (10) is replaced within six months after it is used unless the Director directs otherwise.

(12) Subsection (1) does not apply in respect of a landfilling site owned by a municipality or the Crown.

## PART V OPERATIONS

### SITE PREPARATION REPORT

19. A person shall not place any waste in a newly constructed base or base side slope area of a landfilling site until a written report has been prepared documenting all construction, quality assurance and quality control activities and confirming that the site conditions and details of the construction of the new area are in accordance with the design plans and specifications of the landfilling site.

### RECORD KEEPING

20. The owner and the operator of a landfilling site shall ensure that daily records of site operations are made during the operation of the site and that the records are retained for at least two years after they are made.

### ANNUAL OPERATIONS REPORT

21. The owner and the operator of a landfilling site shall ensure that,

- (a) within three months after each anniversary of the date on which waste was first accepted at the site, an annual report is prepared respecting the operation of the landfilling site, including a summary of results from monitoring programs; and
- (b) all of the reports are retained until at least two years after the site is closed.

### BURNING

22. (1) The owner and the operator of a landfilling site shall ensure that no municipal waste is burned at the site as part of the landfilling operation.

(2) Subsection (1) does not apply to clean wood and brush that is burned during daylight hours under controlled and supervised conditions in a segregated portion of the site.

### SCAVENGING

23. The owner and the operator of a landfilling site shall ensure that there is no scavenging at the site.

### SURFACE WATER MONITORING

24. The owner and the operator of a landfilling site shall ensure that a program is carried out for monitoring the quality and quantity of the surface water features on the site and of the surface water features that receive a direct discharge from the site.

### GROUND WATER MONITORING

25. The owner and the operator of a landfilling site shall ensure that a program is carried out for monitoring ground water quality and quantity.

### LEACHATE MONITORING

26. The owner and the operator of a landfilling site shall ensure that a program is carried out for monitoring leachate quality and quantity.

### LEACHATE CONTINGENCIES

27. (1) The owner and the operator of the landfilling site shall ensure that investigative activities are carried out with respect to the cause of an increase in contaminant concentrations if any of the trigger criteria described under paragraph 5 of subsection 12 (2), as they may have been modified under paragraph 2 of subsection (3) of this section, is exceeded for any single monitoring event.

(2) The owner and the operator of the landfilling site shall ensure that the steps described in subsection (3) are taken if the investigative activities required by subsection (1) indicate that,

- (a) the potential exists for a liner or leachate collection system to fail or for leachate to otherwise leave the waste fill zone in a quantity greater than expected or with a quality worse than expected;
  - (b) the potential exists to exceed any maximum allowable contaminant concentration described under paragraph 2 of subsection 12 (2);
  - (c) an expected contaminant level predicted by studies and modelling previously carried out under paragraph 4 of subsection (3) has been exceeded; or
  - (d) the highest previous observation of the background concentration of a contaminant in the ground water of the receptor aquifer has been exceeded, if studies and modelling have not previously been carried out under paragraph 4 of subsection (3).
- (3) The steps referred to in subsection (2) are the following:

- 1. Previously identified contingency measures must be reviewed and any necessary or desirable modifications made.
- 2. Previously identified trigger criteria must be reviewed and any necessary or desirable modifications made.
- 3. The monitoring programs for ground water, surface water and leachate must be reviewed and any necessary or desirable modifications made.
- 4. If they have not previously been carried out, studies and modelling that meet the following conditions must be carried out:
  - i. The studies and modelling must provide predictions of expected contaminant concentrations at least annually for the contaminating life span of the site.
  - ii. The studies and modelling must include predictions related to potential increases in contaminant concentrations in the ground water at the property boundary and in any surface water feature on the site, as well as at any ground water monitoring stations.

5. If studies and modelling described in paragraph 4 have previously been carried out, they must be reviewed and any necessary or desirable modifications made.
6. Implementation criteria for implementation of the contingency measures must be identified and the related activities and timing must be described.

(4) If the monitoring results, investigative activities and implementation criteria indicate the need to implement contingency measures, the owner and the operator of a landfilling site shall ensure that the following steps are taken:

1. The Director must be notified of the need to implement contingency measures.
2. Detailed plans, specifications and descriptions for the design, operation and maintenance of the contingency measures must be prepared.
3. The contingency measures must be implemented.

#### DAILY COVER

28. (1) The owner and the operator of a landfilling site shall ensure that all waste accepted for disposal at the site is disposed of in the waste fill zone and is covered at the end of each working day by daily cover in accordance with this section.

(2) The daily cover shall consist of soil, foundry sand, wood chips, compost or other material.

(3) When tested using the Leachate Extraction Procedure set out in Schedule 4 of Regulation 347 of the Revised Regulations of Ontario, 1990 or an equivalent method approved by the Director, the daily cover must not produce leachate containing any contaminant listed in that Schedule at a concentration in excess of 100 times the concentration specified in that Schedule for the contaminant.

(4) Subsection (1) does not apply to a landfilling site associated with forest products operations, such as the operations of a lumber mill, saw-mill, pulp mill or similar facility, if the waste to be deposited at the site is produced by the forest products operations and is predominantly solid, non-hazardous process waste, such as woodwaste, effluent treatment solids, hog fired boiler ash, recycling process rejects, lime mud, grits or dregs.

#### FINAL COVER

29. (1) The owner and the operator of a landfilling site shall ensure that the following materials are applied to the waste fill zone as final cover, from bottom to top:

1. A minimum of 0.6 metres of cover material.
2. A minimum of 0.15 metres of topsoil or other material approved by the Director as able to sustain plant growth.
3. A vegetative cover consisting of vegetation that is suited to local conditions and that is capable with minimal care of providing vigorous, plentiful cover not later than its third growing season.

(2) The owner and the operator of a landfilling site shall ensure that the final cover is designed so that,

- (a) the infiltration rate through the final cover is in accordance with the design for the site respecting ground water protection prepared under section 10;

- (b) any existing or anticipated facilities for the control, collection, use or discharge of landfill gas are accommodated; and
- (c) the requirements for the end use of the site, as described in the site design report prepared under section 6 and the closure report prepared under section 31, are met.

#### FINAL SLOPES

30. (1) The owner and the operator of a landfilling site shall ensure that the final slopes above grade within the waste fill zone at the time of site closure do not exceed one unit vertical to four units horizontal and are not less than one unit vertical to 20 units horizontal.

(2) Subsection (1) does not apply if a written report has been prepared that confirms that an alternative design for the final slopes is acceptable, having regard to the slope stability of the deposited waste and final cover, the potential for erosion of the final cover, the proposed end use of the site and the infiltration requirements for ground water protection.

### PART VI CLOSURE

#### CLOSURE REPORT

31. The owner and the operator of a landfilling site shall ensure that a written report on activities for the closure of the site, activities for the post-closure care of the site and the proposed end use of the site is prepared not later than the date 90 per cent of the total waste disposal volume is reached or two years before the anticipated date of closure, whichever comes first.

#### ANNUAL POST-CLOSURE CARE REPORT

32. The owner and the operator of a landfilling site shall ensure that, within three months after each anniversary of the date on which waste was last placed on the site, an annual report is prepared respecting the post-closure care of the landfilling site, including a summary of results from monitoring programs.

### PART VII COMMENCEMENT

33. This Regulation comes into force on August 1, 1998.

TABLE 1  
LEACHATE CHARACTERISTICS  
(Section 10)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Contaminant	Initial Source Concentration (mg/L)	Mass as a proportion of total (wet) mass of waste (mg/kg)	Half-Life in Leachate (years)	Health Related Drinking Water Objective (mg/L)	Aesthetic Drinking Water Objective (mg/L)
1. Benzene	0.02	0.014	25	0.005	n/a
2. Cadmium	0.05	0.035	n/a	0.005	n/a
3. Chloride ≤ 150,000 t/ha increasing to ≥ 250,000 t/ha	1,500 increasing to 2,500	1,800	n/a	n/a	250
4. Lead	0.6	0.42	n/a	0.01	n/a

5. 1,4 Dichlorobenzene	0.01	0.007	50	n/a	0.001
6. Dichloromethane	3.3	2.3	10	0.05	n/a
7. Toluene	1.0	0.7	15	n/a	0.024
8. Vinyl Chloride	0.055	0.039	25	0.002	n/a

**Notes:**

1. The initial source concentration of chloride is taken to vary linearly between 1,500 and 2,500 milligrams per litre with maximum waste loading between 150,000 and 250,000 tonnes per hectare.
2. Half-lives may be used in considering a decrease in source concentration with time and for estimating the contaminating life span.

**TABLE 2**  
**MAXIMUM WASTE LOADINGS FOR**  
**GENERIC DESIGN OPTIONS**  
**(Section 10)**

Background Chloride Concentration (mg/L)	Maximum Waste Loading (m <sup>3</sup> /ha)	
	Column 1	Column 2
	Single Liner Design Option (Subsection 10 (4))	Double Liner Design Option (Subsection 10 (5))
0	98,500	287,000
10	100,500	295,500
20	102,500	299,500
30	104,000	303,000
40	106,000	307,000
50	107,500	310,500
60	109,000	314,000
70	110,500	317,500
80	112,000	321,500
90	113,500	325,000
100	115,000	328,500
110	117,000	332,000
120	118,500	335,500
130	120,000	339,000
140	121,500	343,000
150	123,500	346,500
160	125,000	350,000
170	126,500	353,500
180	128,000	357,000
190	129,500	360,500
200	131,000	363,500
210	132,500	366,500

220	134,500	370,000
230	136,000	373,000
240	137,500	376,000
250 or more	139,000	380,000

Note: If the Background Chloride Concentration falls between two values in Table 2, the appropriate limiting value shall be interpolated from the values in Column 1 or 2, whichever applies. These values are considered to vary linearly with the values for chloride.

**Schedule 1**

**SERVICE LIVES—**  
**PRIMARY LEACHATE COLLECTION SYSTEMS**  
**(Sections 6 and 10)**

**100-Year Service Life**

1. A landfilling site's primary leachate collection system, consisting of perforated collection pipes bedded in a layer of stones with a separating layer above and below the stones, may be assumed to have a service life of 100 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if the following conditions are met:

1. The pipes must be bedded in a continuous layer of stones that extends completely across the base of the waste fill zone and that has a minimum thickness of 0.3 metres on the base side slopes and a minimum thickness of 0.5 metres elsewhere. The stones must have a  $D_{85}$  of not less than 37 millimetres, a  $D_{10}$  of not less than 19 millimetres, a uniformity coefficient ( $D_{60}/D_{10}$ ) of less than 2.0, and, when measured by weight, not more than 1.0 per cent of the stones may pass the US #200 sieve.
2. A suitable geotextile or graded granular separator must be installed between the stone layer and the overlying waste and between the stone layer and any underlying soil or liner.
3. The perforated leachate collection pipes must be made of high density polyethylene (HDPE), with a minimum internal diameter of 150 millimetres and with perforations not less than 12 millimetres in diameter located along and around the pipes so that,
  - i. the hydraulic capacity of the perforations can readily accommodate the expected quantity of leachate,
  - ii. leachate that enters the pipes can readily flow within the pipes,
  - iii. blockage by sedimentation is minimized, and
  - iv. the structural integrity of the pipes is maintained.
4. The perforated leachate collection pipes must be bedded in the stones so that there is at least 250 millimetres of stones above the pipes and at least 50 millimetres of stones below the pipes.
5. The perforated leachate collection pipes must be placed across the base of the waste fill zone, excluding the base side slopes, and spaced so that the drainage path before leachate can potentially intercept a collection pipe is not more than 50 metres in length.
6. The leachate collection pipes must have adequate structural integrity to withstand impacts from waste placement and other site operations and to withstand the weight of the waste, cover material and any structures that may be located over them.

7. Leachate collection pipes must be inspected at least annually for the first five years after placement of waste overtop of each pipe and then as often as future inspections indicate to be necessary.
8. Leachate collection pipes must be cleaned whenever an inspection indicates that cleaning is necessary.
9. Leachate must be removed from the collection system in order to avoid obstructions to leachate flows within the system.
10. The base of the waste fill zone must be contoured to provide minimum surface grades of 0.5 per cent toward the leachate collection pipes.
11. Sludge must not be deposited in the waste fill zone in a manner that would allow sludge to move into the leachate collection system and promote biological clogging.

#### 75-Year Service Life

2. A landfilling site's primary leachate collection system, consisting of perforated collection pipes bedded in a layer of stones with a separating layer above and below the stones, may be assumed to have a service life of 75 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if all of the conditions set out above for a 100-year service life are met with the following changes:

1. The requirement that the layer of stones in which the pipes are bedded have a minimum thickness of 0.5 metres elsewhere than the base side slopes is changed to a requirement that the layer have a minimum thickness of 0.3 metres elsewhere than the base side slopes.
2. The requirement that the perforated leachate collection pipes be bedded in the stones so that there is at least 250 millimetres of stones above the pipes and at least 50 millimetres of stones below the pipes must be met, but local thickening of the layer of stones is acceptable.
3. The requirement that the perforated leachate collection pipes be spaced so that the drainage path before leachate can potentially intercept a collection pipe is not more than 50 metres in length is changed to a requirement that the pipes be spaced so that the drainage path before leachate can potentially intercept a collection pipe is not more than 25 metres in length.

#### 60-Year Service Life

3. A landfilling site's primary leachate collection system, consisting of perforated collection pipes bedded in a layer of stones with a separating layer above and below the stones, may be assumed to have a service life of 60 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if all of the conditions set out above for a 100-year service life are met with the following changes:

1. The requirement that the layer of stones in which the pipes are bedded have a minimum thickness of 0.5 metres elsewhere than the base side slopes is changed to a requirement that the layer have a minimum thickness of 0.3 metres elsewhere than the base side slopes.
2. The requirement that the perforated leachate collection pipes be bedded in the stones so that there is at least 250 millimetres of stones above the pipes and at least 50 millimetres of stones below the pipes must be met, but local thickening of the layer of stones is acceptable.

#### 4. In this Schedule,

- (a)  $D_{85}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 85 per cent of the stones in the layer have a smaller diameter;
- (b)  $D_{60}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 60 per cent of the stones in the layer have a smaller diameter; and
- (c)  $D_{10}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 10 per cent of the stones in the layer have a smaller diameter.

#### Schedule 2

### SERVICE LIVES— SECONDARY LEACHATE COLLECTION SYSTEMS (Sections 6 and 10)

#### 1000-Year Service Life

1. A landfilling site's secondary leachate collection system, consisting of perforated collection pipes bedded in a layer of stones with a separating layer above and below the stones, may be assumed to have a service life of 1000 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if the following conditions are met:

1. The pipes must be bedded in a continuous layer of stones that extends completely across the base of the waste fill zone, including the base side slopes, and that has a minimum thickness of 0.3 metres. The stones must have a  $D_{85}$  of not less than 37 millimetres, a  $D_{10}$  of not less than 19 millimetres, a uniformity coefficient ( $D_{60}/D_{10}$ ) of less than 2.0, and, when measured by weight, not more than 1.0 per cent of the stones may pass the US #200 sieve.
2. A suitable geotextile or graded granular separator must be installed between the stone layer and any underlying soil or liner and between the stone layer and any overlying material.
3. The perforated leachate collection pipes must be made of high density polyethylene (HDPE), with a minimum internal diameter of 150 millimetres and with perforations not less than 12 millimetres in diameter located along and around the pipes so that,
  - i. the hydraulic capacity of the perforations can readily accommodate the expected quantity of leachate,
  - ii. leachate that enters the pipes can readily flow within the pipes,
  - iii. blockage by sedimentation is minimized, and
  - iv. the structural integrity of the pipes is maintained.
4. The perforated leachate collection pipes must be bedded in the stones so that there is at least 250 millimetres of stones above the pipes and at least 50 millimetres of stones below the pipes. Local thickening of the layer of stones is acceptable.
5. The perforated leachate collection pipes must be placed across the base of the waste fill zone, excluding the base side slopes, and spaced so that the drainage path before leachate can potentially intercept a collection pipe is not more than 100 metres in length.
6. The leachate collection pipes must have adequate structural integrity to withstand impacts from waste placement and other



site operations and to withstand the weight of the waste, cover material and any structures that may be located over them.

7. Leachate collection pipes must be inspected at least annually for the first five years after the initial production of leachate from the secondary leachate collection system and then as often as future inspections indicate to be necessary.
  8. Leachate collection pipes must be cleaned whenever an inspection indicates that cleaning is necessary.
  9. Leachate must be removed from the collection system in order to avoid obstructions to leachate flows within the system.
  10. The base of the waste fill zone must be contoured to provide minimum surface grades of 0.5 per cent toward the leachate collection pipes.
2. In this Schedule,
- (a)  $D_{85}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 85 per cent of the stones in the layer have a smaller diameter;
  - (b)  $D_{60}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 60 per cent of the stones in the layer have a smaller diameter; and
  - (c)  $D_{10}$  for stones in a stone layer is the stone diameter such that, when measured by weight, 10 per cent of the stones in the layer have a smaller diameter.

### Schedule 3

#### SERVICE LIVES—GEOMEMBRANE LINERS (Sections 6 and 10)

##### Primary Liner—150-Year Service Life

1. The geomembrane used as part of a landfilling site's primary liner may be assumed to have a service life of 150 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if the following conditions are met:

1. The geomembrane must be made of high density polyethylene (HDPE) and must have a thickness of at least 1.5 millimetres.
2. The oxidative induction time of the geomembrane must not exceed,
  - i. 100 minutes, as determined by ASTM D3895-95 (American Society for Testing and Materials Standard Test Method for Oxidative-Induction Time of Polyolefins by Differential Scanning Calorimetry), as it may be amended from time to time, or
  - ii. 250 minutes, as determined by ASTM D5885-95 (American Society for Testing and Materials Standard Test Method for Oxidative-Induction Time of Polyolefin Geosynthetics by High-Pressure Differential Scanning Calorimetry), as it may be amended from time to time.
3. The oxidative induction time of the geomembrane after oven aging at 85 degrees Celsius for 90 days, as described in ASTM D5721-95 (American Society for Testing and Materials Standard Practice for Air-Oven Aging of Polyolefin Geomembranes), as it may be amended from time to time, must exceed,

- i. 80 per cent of the value for the original geomembrane, as determined by ASTM D3895-95 (American Society for Testing and Materials Standard Test Method for Oxidative-Induction Time of Polyolefins by Differential Scanning Calorimetry), as it may be amended from time to time, or

- ii. 80 per cent of the value for the original geomembrane, as determined by ASTM D5885-95 (American Society for Testing and Materials Standard Test Method for Oxidative-Induction Time of Polyolefin Geosynthetics by High-Pressure Differential Scanning Calorimetry), as it may be amended from time to time.

4. The geomembrane must be installed in direct and uniform contact with a suitable foundation or clayey liner.
5. The geomembrane must be protected against puncturing and load-induced damage at all times, including during installation.
6. During installation, care must be taken to,
  - i. remove wrinkles in the geomembrane,
  - ii. minimize stress concentration,
  - iii. ensure high quality seams,
  - iv. minimize differential settlement,
  - v. minimize exposure to ultraviolet light,
  - vi. prevent damage due to sliding,
  - vii. prevent damage due to installation in cold conditions, and
  - viii. prevent damage due to rodents.

##### Secondary Liner—350-Year Service Life

2. The geomembrane used as part of a landfilling site's secondary liner may be assumed to have a service life of 350 years, starting at the earlier of the mid-point of the site's operating life and the tenth anniversary of the first deposit of waste in the waste fill zone, if all of the conditions set out above for a 150-year service life are met with the following change:

1. The requirement that the geomembrane have a thickness of at least 1.5 millimetres is changed to a requirement that the geomembrane have a thickness of at least 2.0 millimetres.

### Schedule 4

#### SERVICE LIVES—COMPACTED CLAYEY LINERS (Sections 6 and 10)

##### Unlimited Service Life

1. A landfilling site's compacted clayey liner may be assumed to have an unlimited service life if the following conditions are met:

1. The liner must be,
  - i. at least 0.75 metres thick and compacted in at least five lifts, or
  - ii. at least 0.6 metres thick and compacted in at least four lifts, if the liner is not constructed over a leachate collection system and is not used in conjunction with a geomembrane as part of a composite liner.
2. Each of the lifts in which the liner is compacted must be not more than 0.15 metres in compacted thickness.

3. Appropriate mineralogical studies or other leachate compatibility studies must indicate that the clayey material is not likely to experience a significant increase in hydraulic conductivity due to interaction with leachate.
4. During installation, care must be taken to,
  - i. control soil properties and water content,
  - ii. ensure the breakup of clods,
  - iii. control lift thickness and compaction,
  - iv. remove stones larger than 100 millimetres,
  - v. prevent desiccation of the compacted clayey liner,
  - vi. prevent damage to the compacted clayey liner due to freezing,
  - vii. prevent damage to the compacted clayey liner from vehicular traffic,
  - viii. prevent damage to the compacted clayey liner due to rodents, and
  - ix. prevent damage to the compacted clayey liner due to differential settlement.
5. The report of a suitably qualified geotechnical engineer must confirm that there is no evident cracking in the constructed liner or significant occurrence of clods, stones, branches or other material that could shorten the service life of the constructed liner or significantly increase the hydraulic conductivity.

22/98



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-06-06

## ONTARIO REGULATION 233/98 made under the NURSING HOMES ACT

Made: May 13, 1998  
Filed: May 19, 1998

Amending Reg. 832 of R.R.O. 1990  
(General)

**Note:** Since January 1, 1997, Regulation 832 has been amended by Ontario Regulations 9/97, 196/97 and 43/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. (1) Clause 116 (2) (a) of Regulation 832 of the Revised Regulations of Ontario, 1990 is amended by striking out "In the form provided by the Minister" in the second and third lines.**

**(2) Paragraph 2 of subsection 116 (3) of the Regulation is revoked and the following substituted:**

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$854.04.
- ii. In the case of an application for a reduction made on or after July 1, 1998, \$862.01.

**(3) Paragraph 2 of subsection 116 (4) of the Regulation is revoked and the following substituted:**

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$28.08.
- ii. In the case of an application for a reduction made on or after July 1, 1998, \$28.34.

**(4) Subsection 116 (6) of the Regulation is revoked.**

**2. (1) Paragraph 1 of subsection 116.1 (1) of the Regulation is revoked and the following substituted:**

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$862.01 under section 116.

**(2) Subsection 116.1 (8) of the Regulation is revoked.**

**3. (1) Section 144 of the Regulation is amended by adding the following subsection:**

(5) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person occupies a bed in,

(i) a hospital listed under the heading "Group A Hospitals", "Group B Hospitals", "Group C Hospitals", "Group F Hospitals" or "Group G Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 made under the *Public Hospitals Act*, or

(ii) a hospital licensed under the *Private Hospitals Act*;

- (b) the person will be discharged from the hospital as a result of a permanent closure of some or all of the hospital's beds; and
- (c) the person does not meet the requirements for placement in category 1.

**(2) Section 144 of the Regulation is amended by adding the following subsection:**

(6) A person shall be placed in category 2 on the waiting list for a nursing home if,

- (a) the person was determined eligible for admission to the nursing home under section 130, 132 or 133;
- (b) the person's spouse or partner is a long-stay resident in the nursing home;
- (c) the person has applied under section 136 for authorization of his or her admission to the nursing home; and
- (d) the person does not meet the requirements for placement in category 1.

**4. Subsection 146 (3) of the Regulation is revoked.**

**5. Section 147 of the Regulation is revoked.**

**6. Subsection 148 (1) of the Regulation is amended by striking out "143 to 147" in the first line and substituting "143 to 146".**

**7. (1) Item 5 of Table 3 of the Regulation is amended by adding "to and including June 30, 1998" after "July 1, 1997" in Column 1.**

**(2) Table 3 of the Regulation is amended by adding the following item:**

6.	From and including July 1, 1998	28.34	1,264.01	41.56	1,507.34	49.56	1,811.51	59.56
----	---------------------------------	-------	----------	-------	----------	-------	----------	-------

**8. (1) Subject to subsection (2), this Regulation comes into force on June 15, 1998.**

**(2) Sections 1, 2 and 7 come into force on July 1, 1998.**

23/98

**ONTARIO REGULATION 234/98**  
made under the  
**CHARITABLE INSTITUTIONS ACT**

Made: May 13, 1998

Filed: May 19, 1998

Amending Reg. 69 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 69 has been amended by Ontario Regulations 11/97, 198/97 and 41/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) **Clause 43 (2) (a) of Regulation 69 of the Revised Regulations of Ontario, 1990 is amended by striking out "in the form provided by the Minister" in the second and third lines.**

(2) **Paragraph 2 of subsection 43 (3) of the Regulation is revoked and the following substituted:**

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$854.04.
- ii. In the case of an application for a reduction made on or after July 1, 1998, \$862.01.

(3) **Paragraph 2 of subsection 43 (4) of the Regulation is revoked and the following substituted:**

2. One of the following amounts, as the case may be:

- i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$28.08.
- ii. In the case of an application for a reduction made on or after July 1, 1998, \$28.34.

(4) **Subsection 43 (6) of the Regulation is revoked.**

2. (1) **Paragraph 1 of subsection 43.1 (1) of the Regulation is revoked and the following substituted:**

- 1. A long-stay resident for whom the maximum monthly amount is determined to be \$862.01 under section 43.

(2) **Subsection 43.1 (8) of the Regulation is revoked.**

3. (1) **Section 75 of the Regulation is amended by adding the following subsection:**

(5) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

(a) the person occupies a bed in,

- (i) a hospital listed under the heading "Group A Hospitals", "Group B Hospitals", "Group C Hospitals", "Group F Hospitals" or "Group G Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 made under the *Public Hospitals Act*, or

(ii) a hospital licensed under the *Private Hospitals Act*;

(b) the person will be discharged from the hospital as a result of a permanent closure of some or all of the hospital's beds; and

(c) the person does not meet the requirements for placement in category 1.

(2) **Section 75 of the Regulation is amended by adding the following subsection:**

(6) A person shall be placed in category 2 on the waiting list for an approved charitable home for the aged if,

- (a) the person was determined eligible for admission to the approved charitable home for the aged under section 61, 63 or 64;
- (b) the person's spouse or partner is a long-stay resident in the approved charitable home for the aged;
- (c) the person has applied under section 67 for authorization of his or her admission to the approved charitable home for the aged; and
- (d) the person does not meet the requirements for placement in category 1.

4. **Subsection 77 (3) of the Regulation is revoked.**

5. **Section 78 of the Regulation is revoked.**

6. **Subsection 79 (1) of the Regulation is amended by striking out "74 to 78" in the first line and substituting "74 to 77".**

7. (1) **Item 5 of Table 4 of the Regulation is amended by adding "to and including June 30, 1998" after "July 1, 1997" in Column 1.**

(2) **Table 4 of the Regulation is amended by adding the following item:**

6.	From and including July 1, 1998	28.34	1,264.01	41.56	1,507.34	49.56	1,811.51	59.56
----	---------------------------------	-------	----------	-------	----------	-------	----------	-------

8. (1) **Subject to subsection (2), this Regulation comes into force on June 15, 1998.**

(2) **Sections 1, 2 and 7 come into force on July 1, 1998.**

23/98

**ONTARIO REGULATION 235/98**  
made under the  
**HOMES FOR THE AGED AND REST HOMES ACT**

Made: May 13, 1998

Filed: May 19, 1998

Amending Reg. 637 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 637 has been amended by Ontario Regulations 10/97, 199/97 and 42/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) **Section 12.10 of Regulation 637 of the Revised Regulations of Ontario, 1990 is amended by adding the following subsection:**

(5) A person shall be placed in category 2 on the waiting list for a home if,

(a) the person occupies a bed in,

- (i) a hospital listed under the heading "Group A Hospitals", "Group B Hospitals", "Group C Hospitals", "Group F Hospi-

tals" or "Group G Hospitals" in the Schedule to Regulation 964 of the Revised Regulations of Ontario, 1990 made under the *Public Hospitals Act*, or

(ii) a hospital licensed under the *Private Hospitals Act*;

(b) the person will be discharged from the hospital as a result of a permanent closure of some or all of the hospital's beds; and

(c) the person does not meet the requirements for placement in category 1.

(2) Section 12.10 of the Regulation is amended by adding the following subsection:

(6) A person shall be placed in category 2 on the waiting list for a home if,

(a) the person was determined eligible for admission to the home under section 8, 10 or 11;

(b) the person's spouse or partner is a long-stay resident in the home;

(c) the person has applied under section 12.2 for authorization of his or her admission to the home; and

(d) the person does not meet the requirements for placement in category 1.

2. Subsection 12.12 (3) of the Regulation is revoked.

3. Section 12.13 of the Regulation is revoked.

4. Subsection 12.14 (1) of the Regulation is amended by striking out "12.9 to 12.13" in the first line and substituting "12.9 to 12.12".

5. (1) Clause 39.3 (2) (a) of the Regulation is amended by striking out "in the form provided by the Minister" in the second and third lines.

(2) Paragraph 2 of subsection 39.3 (3) of the Regulation is revoked and the following substituted:

2. One of the following amounts, as the case may be:

i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$854.04.

ii. In the case of an application for a reduction made on or after July 1, 1998, \$862.01.

(3) Paragraph 2 of subsection 39.3 (4) of the Regulation is revoked and the following substituted:

2. One of the following amounts, as the case may be:

i. In the case of an application for a reduction made on or after July 1, 1997 but before July 1, 1998, \$28.08.

ii. In the case of an application for a reduction made on or after July 1, 1998, \$28.34.

(4) Subsection 39.3 (6) of the Regulation is revoked.

6. (1) Paragraph 1 of subsection 39.3.1 (1) of the Regulation is revoked and the following substituted:

1. A long-stay resident for whom the maximum monthly amount is determined to be \$862.01 under section 39.3.

(2) Subsection 39.3.1 (8) of the Regulation is revoked.

7. (1) Item 5 of Table 3 of the Regulation is amended by adding "to and including June 30, 1998" after "July 1, 1997" in Column 1.

(2) Table 3 of the Regulation is amended by adding the following item:

6.	From and including July 1, 1998	28.34	1,264.01	41.56	1,507.34	49.56	1,811.51	59.56
----	---------------------------------	-------	----------	-------	----------	-------	----------	-------

8. (1) Subject to subsection (2), this Regulation comes into force on June 15, 1998.

(2) Sections 5, 6 and 7 come into force on July 1, 1998.

23/98

# ONTARIO REGULATION 236/98

## made under the HEALTH INSURANCE ACT

Made: May 13, 1998

Filed: May 20, 1998

Amending Reg. 552 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 552 has been amended by Ontario Regulations 14/97, 15/97, 59/97, 142/97, 197/97, 502/97, 2/98, 44/98, 87/98, 111/98, 145/98, 146/98, 147/98 and 172/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Item 18 of Table 2 to Regulation 552 of the Revised Regulations of Ontario, 1990 is amended by striking out "On or after July 1, 1997" in Column 1 and substituting "On or after July 1, 1997 but before July 1, 1998".

(2) Table 2 to the Regulation is amended by adding the following item:

19.	On or after July 1, 1998	Person with no dependants—maximum estimated income \$1,376.01	Estimated income less \$112.00	Estimated income less \$112.00, divided by 30.4
		Person with one dependant—maximum aggregate estimated incomes \$6,722.00	Aggregate estimated incomes less \$2,929.00, divided by 3	Aggregate estimated incomes less \$2,929.00, divided by 91.2
		Person with two dependants—maximum aggregate estimated incomes \$7,142.00	Aggregate estimated incomes less \$3,349.00, divided by 3	Aggregate estimated incomes less \$3,349.00, divided by 91.2
		Person with three dependants—maximum aggregate estimated incomes \$7,524.00	Aggregate estimated incomes less \$3,731.00, divided by 3	Aggregate estimated incomes less \$3,731.00, divided by 91.2
		Person with four or more dependants—maximum aggregate estimated incomes \$7,865.00	Aggregate estimated incomes less \$4,072.00, divided by 3	Aggregate estimated incomes less \$4,072.00, divided by 91.2
		Person not referred to elsewhere in this item	\$1,264.01	\$41.56

3. This Regulation comes into force on July 1, 1998.

23/98

**ONTARIO REGULATION 237/98**  
made under the  
**PLANNING ACT**

Made: May 19, 1998  
Filed: May 20, 1998

Amending O. Reg. 136/95  
(Delegation of Authority of Minister  
to Give Consents)

Note: Since January 1, 1997, Ontario Regulation 136/95 has been amended by Ontario Regulations 86/97, 99/97 and 533/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Paragraph 17 of Schedule 1 to Ontario Regulation 136/95 is revoked and the following substituted:

17. The Municipality of Neebing.

(2) Schedule 1 to the Regulation is amended by adding the following paragraph:

21.0.1 The Township of Sables-Spanish Rivers.

2. (1) Paragraph 10 of Schedule 2 to the Regulation is revoked and the following substituted:

10. The Lakehead Rural Planning Board in respect of the land in the townships of Conmee, Gillies and O'Connor, the land in

the geographic townships of Gorham, Ware, Pearson and Scoble and the Dawson Road Lots, Lots 1-20, Concessions A and B, east of the Kaministiquia River.

(2) On January 1, 1999, paragraph 10 of Schedule 2 to the Regulation is revoked and the following substituted:

10. The Lakehead Rural Planning Board in respect of the land in the townships of Conmee, Gillies and O'Connor, the land in the geographic townships of Gorham and Ware and the Dawson Road Lots, Lots 1-20, Concessions A and B, east of the Kaministiquia River.

(3) Paragraph 13 of Schedule 2 to the Regulation is revoked.

3. (1) Subject to subsections (2) and (3), this Regulation comes into force on May 20, 1998.

(2) Subsections 1 (2) and 2 (3) come into force on July 1, 1998.

(3) Subsections 1 (1) and 2 (2) come into force on January 1, 1999.

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 19, 1998.

23/98

**ONTARIO REGULATION 238/98**  
made under the  
**PLANNING ACT**

Made: May 19, 1998  
Filed: May 20, 1998

**DELEGATION OF AUTHORITY—LAKEHEAD  
RURAL PLANNING BOARD AND THE  
MUNICIPALITY OF NEEBING**

1. (1) The Minister's authority to give consents under sections 50 and 53 of the Act with respect to applications made before May 20, 1998 for which the file numbers are 58-C-960008 and 58-C-970011 is delegated to the Lakehead Rural Planning Board.

(2) The delegation of authority is subject to the condition that the Board shall comply with the rules of procedure contained in Schedule 4 to Ontario Regulation 136/95 when exercising the delegated authority.

2. On December 31, 1998, the delegation of authority to the Lakehead Rural Planning Board under section 1 with respect to applications made on or before December 31, 1998 for land in the geographic townships of Pearson and Scoble as they exist on December 31, 1998 is terminated.

3. (1) On and after January 1, 1999, the Minister's authority to give consents under sections 50 and 53 of the Act with respect to applications made on or before December 31, 1998 for land in the geographic townships of Pearson and Scoble as they exist on December 31, 1998 is delegated to the council of The Corporation of the Municipality of Neebing.

(2) The delegation of authority is subject to the following conditions:

1. The council shall comply with the rules of procedure contained in Schedule 4 to Ontario Regulation 136/95 when exercising the delegated authority.

2. If the authority delegated to the council is in turn delegated by the council to a committee of council or an appointed officer or a committee of adjustment, the council shall forward to the Minister a certified copy of the delegating by-law within 15 days after it is passed.

4. A delegation of authority made by this Regulation is not terminated by reason only that the conditions set out in this Regulation are not complied with.

5. This Regulation comes into force on May 20, 1998.

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on May 19, 1998.

23/98

**ONTARIO REGULATION 239/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 20, 1998  
Filed: May 20, 1998

**RESTRICTED FIRE ZONE**

1. Zone 13 of the East Fire Region, except that part described in Ontario Regulation 182/98, Zones 15, 16, 17 and 18 of the East Fire Region, and that part of Zone 14 of the East Fire Region described in Schedule 'A' hereto, as described in Schedule 2 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 0001 hours on May 21 to 2400 hours on May 27, both inclusive, in the year 1998.

**Schedule 'A'**

All that land in the Territorial District of Cochrane, in the Province of Ontario, designated as Zone 14A on a plan known as East Fire Region, filed in the Office of the Surveyor General of Ontario on October 3, 1995, in the Ministry of Natural Resources at Toronto.

RON VRANCART  
*Deputy Minister of Natural Resources*

Dated on May 20, 1998.

23/98

**ONTARIO REGULATION 240/98**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: May 13, 1998  
Filed: May 20, 1998

Amending Reg. 945 of R.R.O. 1990  
(Costs)

Note: Regulation 945 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Paragraphs 5 and 6 of section 1 of Regulation 945 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

- |    |  |       |
|----|--|-------|
| 5. | Upon conviction under subsection 18.2 (6) of the Act ..... | 16.00 |
| 6. | Upon conviction under section 18.4 of the Act .....        | 12.75 |

2. This Regulation comes into force on July 1, 1998.

23/98

**ONTARIO REGULATION 241/98**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: May 13, 1998  
Filed: May 20, 1998

Amending Reg. 949 of R.R.O. 1990  
(Parking Infractions)

**Note:** Regulation 949 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 12 of Regulation 949 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

(1) Every municipality or other body that issues a notice of impending conviction is entitled to an allowance of \$11.

(2) Every municipality designated in the Table to section 13 is entitled to an allowance of \$2 for each fine it collects in connection with a conviction under subsection 18.2 (6) of the Act.

(3) The allowance under subsections (1) and (2) shall be deducted from the court costs that are payable upon conviction under subsection 18.2 (6) of the Act, are prescribed in Regulation 945 of the Revised Regulations of Ontario, 1990 and are received in connection with the collected fine.

**2. The Regulation is amended by adding the following section:**

**12.1** (1) Every municipality is entitled to an allowance of \$9 for each fine it collects in connection with a conviction under section 18.4 of the Act.

(2) The allowance under subsection (1) shall be deducted from the court costs that are payable upon convictions under section 18.4 of the Act, are prescribed in Regulation 945 of the Revised Regulations of Ontario, 1990 and are received in connection with the collected fine.

**3. Subsection 13 (2) of the Regulation is amended by striking out "subsections 11 (1) and (2)" in the second line and substituting "sections 12 and 12.1".**

**4. This Regulation comes into force on July 1, 1998.**

23/98

**ONTARIO REGULATION 242/98**  
made under the  
**PLANNING ACT**

Made: May 13, 1998  
Filed: May 21, 1998

Amending O. Reg. 25/86  
(Zoning Areas—Territorial District of Kenora,  
Part of the Sioux Lookout Planning Area)

**Note:** Since January 1, 1997, Ontario Regulation 25/86 has been amended by Ontario Regulations 12/97, 143/97, 144/97, 218/97, 285/97, 412/97 and 204/98. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. Ontario Regulation 25/86 is amended by adding the following section:**

**128.** (1) Despite section 4, the land described in subsection (5) is, for the purposes of this Order, in a Waste Disposal Zone.

(2) Despite subsection 15 (2), no building or structure on the land described in subsection (5) shall be used, erected or located within 500 metres of the highway property limit.

(3) Requirements for the waste disposal site permitted by this section are established as follows:

- |  |               |
|--|---------------|
| 1. Minimum distance from front lot line: | 500 metres    |
| 2. Minimum lot area                      | 42.5 hectares |
| 3. Maximum area of waste disposal site   | 0.9 hectares  |

(4) Despite section 55, no structure or building shall be used, erected or located upon the land described in subsection (6).

(5) Subsections (1) to (3) apply to that parcel of land in the Geographic Township of Drayton in the District of Kenora being that part of Lots 25 and 26 in Concession 2 and of Lot 25 in Concession 3 more particularly described as follows:

COMMENCING at a point in the northerly limit of Secondary Highway 664 as widened by MTO Plan P-8019, registered as No. 66766, distant 460 metres measured N69°40'30" W along the said northerly limit from its intersection with the easterly limit of Lot 25 in Concession 3, which intersection is distant 296.281 metres measured S0°1'W along the said easterly limit from the northeast angle of said Lot 25 in Concession 3;

THENCE N8°30' E, 680 metres;

THENCE N69°40'30" W, 639 metres;

THENCE S8°30'W, 680 metres to the aforesaid northerly limit of Secondary Highway 664;

THENCE S69°40'30"E along the said northerly limit 639 metres to the POINT OF COMMENCEMENT.

CONTAINING 42.530 hectares.

(6) Subsection (4) applies to that parcel of land in the Geographic Township of Drayton in the District of Kenora being that part of Lots 25 and 26 in Concession 2 and of Lot 25 in Concession 3 more particularly described as follows:

COMMENCING at a point in the northerly limit of Secondary Highway 664 as widened by MTO Plan P-8019, registered as No. 66766, distant 1099 metres measured N69°40'30" W along the said northerly limit from its intersection with the easterly limit of Lot 25 in Concession 3, which intersection is distant 296.281 metres measured S0°1'W along the said easterly limit from the northeast angle of said Lot 25 in Concession 3;

THENCE N8°30'E, 680 metres;

THENCE S69°40'30"E, 639 metres;

THENCE S8°30'W, 680 metres to the aforesaid northerly limit of Secondary Highway 664;

THENCE S69°40'30"E along the said northerly limit 300 metres;

THENCE North 8°30' E, 1110 metres;

THENCE North 69°40'30"W, 1240 metres;

THENCE South 8°30'W, 1086 metres, more or less, to the aforesaid northerly limit of Secondary Highway 664;

THENCE Southeasterly along the said northerly limit 302 metres, more or less, to the POINT OF COMMENCEMENT.

CONTAINING 92 hectares more or less.

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on May 13, 1998.

23/98

**ONTARIO REGULATION 243/98**  
made under the  
**PLANNING ACT**

Made: May 19, 1998  
Filed: May 21, 1998

Amending O. Reg. 25/86  
(Zoning Areas—Territorial District of Kenora,  
Part of the Sioux Lookout Planning Area)

Note: Since January 1, 1997, Ontario Regulation 25/86 has been amended by Ontario Regulations 12/97, 143/97, 144/97, 218/97, 285/97, 412/97, 204/98 and 242/98. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

**1. Ontario Regulation 25/86 is amended by adding the following section:**

**129. (1)** Despite Section 24, a maintenance and storage building and a dwelling may be erected and used on the land described in subsection (2), if the following requirements are met:

Minimum lot area	21691 square metres
Minimum lot frontage	113 metres
Maximum lot coverage (each structure)	5 per cent
Minimum front yard (storage building)	60 metres
Minimum front yard (dwelling)	30 metres
Minimum rear yard	15 metres
Minimum side yard	15 metres
Minimum gross floor area (either structure)	45 square metres

(2) Subsections (1) and (2) apply to those lands in the geographic Township of Drayton in the District of Kenora more particularly described as follows:

Part Lot 2, Range 5 in the Reserve, Township of Drayton, containing 2.17 hectares more or less:

COMMENCING at the northeast angle of Lot 2;

THENCE WESTERLY along the north limit of Lot 2, 191.215 metres to the east limit of a public road known as Abram Lake Road;

THENCE SOUTHERLY along the east limit of Abram Lake Road 113.354 metres;

THENCE EASTERLY parallel to the north limit of Lot 2, 191.215 metres to the east limit of Lot 2;

THENCE NORTHERLY along the east limit of Lot 2, 113.354 metres to the POINT OF COMMENCEMENT.

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on May 19, 1998.

23/98

**ONTARIO REGULATION 244/98**  
made under the  
**LIQUOR LICENCE ACT**

Made: May 13, 1998  
Filed: May 21, 1998

Amending Reg. 719 of R.R.O. 1990  
(Licences to Sell Liquor)

Note: Since January 1, 1997, Regulation 719 has been amended by Ontario Regulations 171/97, 305/97, 347/97, 522/97 and 63/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 719 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

**98.2.5** Indigo Books & Music Inc. is exempt from the application of subsection 6 (4) of the Act.

23/98

**ONTARIO REGULATION 245/98**  
made under the  
**EDUCATION ACT**

Made: April 8, 1998  
Filed: May 21, 1998

Amending O. Reg. 78/97  
(General Legislative Grants, 1997)

Note: Ontario Regulation 78/97 has not previously been amended.

**1. (1) Subclauses (b) (iv) and (v) of the definition of the "current cost of operating" in section 1 of Ontario Regulation 78/97 are revoked and the following substituted:**

- (iv) provision for a reserve under section 237 or 238 of the *Education Act* as it read on December 31, 1997,
- (v) the total payments made by the board to parents and guardians under the *Fairness for Parents and Employees Act (Teachers' Withdrawal of Services)*, 1997,
- (vi) the product of the administration fee of \$3.00 and the number of claims under the *Fairness for Parents and Employees Act (Teachers' Withdrawal of Services)*, 1997 for which payment has been sent to the parent or guardian on or before March 6, 1998 or for which payment has been received by the parent or guardian on or before March 6, 1998, and

(vii) allocation to reserve funds,

**(2) Clause (c) of the definition of the "current cost of operating" in section 1 of the Regulation is amended by striking out "and" at the end of subclause (xv) and by adding the following subclause:**

(xvii) transfers from a reserve under section 237 or 238 of the *Education Act* as it read on December 31, 1997, and

**2. Subsection 2 (1) of the Regulation is amended by striking out "section 50" at the end and substituting "sections 50 and 51".**

**3. Subsection 6 (1) of the Regulation is revoked and the following substituted:**

(1) Despite sections 2, 4 and 5, the legislative grant payable for 1997 to a board to which subsection (2) applies shall not be less than the amount calculated as follows:

1. Take the legislative grant payable to the board for 1996 under Ontario Regulation 116/96.
2. Subtract the grant payable to the board for 1996 under section 50 of Ontario Regulation 116/96.
3. Subtract the lesser of the two amounts calculated under subsection (1.1).
4. Add the legislative grant payable to the board for 1997 under section 50.
5. Add the legislative grant payable to the board for 1997 under section 51.
6. Subtract the amount determined under subsection (1.2).

(1.1) The two amounts referred to in paragraph 3 of subsection (1) are as follows:

1. The product of 0.15 and the result obtained under paragraph 2 of subsection (1).
2. The product of 0.03 and the result for elementary and secondary school purposes of,
  - i. taking the current cost of operating for the board for 1996, as determined under Ontario Regulation 116/96,
  - ii. adding the current expenditures of the board for 1996 described in subclauses (a) (ii), (iii), (iv) and (vii) of the definition of "current cost of operating" in section 1 of Ontario Regulation 116/96, and
  - iii. subtracting the 1996 revenue of the board from tuition fees in respect of non-resident pupils of the board.

(1.2) The amount referred to in paragraph 6 of subsection (1) shall be determined as follows:

1. Calculate the grant that would be payable to the board under section 8 if the excess described as B in the definition of "maximum recognized day school O.E." in section 1 equalled zero.

2. Subtract the grant actually payable under section 8 from the amount calculated under paragraph 1.

**4. The Regulation is amended by adding the following section:**

**51. (1) A board shall be paid a grant under this section if the amount calculated as follows is negative:**

$$U - (V \times W/X) - Y - Z$$

where,

U = the amount calculated for the board as the excess described as B in the definition of "maximum recognized day school O.E." in section 1,

V = the amount calculated for the board as

$$\left( B \times \frac{A}{B + C} \right)$$

for the purposes of the definition of "maximum recognized day school O.E." in section 1,

W = the grant for recognized ordinary expenditure, as calculated for the board under section 8,

X = the R.O.E. for the board,

except that where  $(V \times W/X)$  is a negative amount, the amount shall be deemed to be zero,

Y = the total payments made by the board to parents and guardians under the *Fairness for Parents and Employees Act (Teachers' Withdrawal of Services)*, 1997, and

Z = the product of the administration fee of \$3.00 and the number of claims under the *Fairness for Parents and Employees Act (Teachers' Withdrawal of Services)*, 1997 for which payment has been sent to the parent or guardian on or before March 6, 1998 or for which payment has been received by the parent or guardian on or before March 6, 1998.

(2) The amount of the grant payable to the board under this section is the amount by which the amount calculated under subsection (1) is less than zero.

(3) For the purposes of calculating the values of U and V as required by subsection (1), the excess described as B in the definition of "maximum recognized day school O.E." in section 1 shall be deemed to be zero in respect of a strike or lock-out that occurred before the adoption of the board's estimates for 1997.

23/98



**ONTARIO REGULATION 246/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 22, 1998

Filed: May 22, 1998

**RESTRICTED FIRE ZONE**

1. Those lands described in Schedule 'A' hereto comprising parts of Zones 18 and 19 of the East Fire Region, as described in Schedule 2 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 1800 hours on May 22 to 2400 hours on May 27, both inclusive, in the year 1998.

**Schedule 'A'**

In the geographic Township of Humboldt, in the Territorial District of Manitoulin; in the geographic Townships of Bertram, Falconer, and Latchford, in the Territorial District of Nipissing; in the geographic Townships of Blair, Hardy, McConkey, Mowat, Patterson, in the Territorial District of Parry Sound; in part of the Territorial District of Parry Sound; in the geographic Townships of Allen, Bigwood, Scollard, Struthers, Travers, in the Territorial District of Sudbury; and in the geographic Township of Mason, now in the Municipal Township of Cosby, Mason, and Martland, in the Territorial District of Sudbury, all in the Province of Ontario, containing 52,740 hectares, more or less, being composed of those parts of the said geographic townships and of that part the Territorial District of Parry Sound, designated as parts 1 and 2 on sheets 1, 2, 3, 4 and 5 of a plan known as French River Provincial Park filed, on May 1, 1997, with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources at Peterborough, Ontario.

CAMERON D. CLARK  
*Assistant Deputy Minister*  
*Field Services Division*  
*Ministry of Natural Resources*

Dated on May 22, 1998.

23/98

## CORRECTION

## CORRECTION

Ontario Regulation 217/98 under the *Courts of Justice Act* published in the May 30, 1998 issue of *The Ontario Gazette*.

Règlement de l'Ontario 217/98 pris en application de la *Loi sur les tribunaux judiciaires* et publié dans le numéro du 30 mai 1998 de la *Gazette de l'Ontario*.

The French version of Form 69Z.2, as set out in Ontario Regulation 217/98, should have read as follows:

La version française de la formule 69Z.2, telle qu'elle est énoncée dans le Règlement de l'Ontario 217/98, devrait s'énoncer comme suit :

## Formule 69Z.2

## FORMULE DE CONSENTEMENT

N° de dossier du tribunal

.....

.....  
(Nom du tribunal)

au

.....  
Adresse du greffe

**Requérant(s)** .....  
Nom et prénoms officiels du/des requérant(s)

**Intimé(s)** .....  
Nom et prénoms officiels de l'intimé/des intimés

**NE SIGNEZ LA PRÉSENTE FORMULE DE CONSENTEMENT QU'UNE FOIS QUE LES PARTIES 1, 2 ET 3 DE LA FORMULE DE RENSEIGNEMENTS VISANT LA MODIFICATION ONT ÉTÉ REMPLIES ET QUE LES DOCUMENTS NÉCESSAIRES ONT ÉTÉ JOINTS. VOUS DEVRIEZ CONSULTER UN AVOCAT AVANT DE SIGNER LA PRÉSENTE FORMULE.**

1. J'ai lu la formule de renseignements visant la modification dans le cadre de la présente cause et j'en comprends le sens.
2. Je sais que j'ai le droit de consulter mon avocat au sujet de la présente cause.
3. ☐ Nous annexons nos états financiers.

ou

- ☐ Nous convenons de ne pas déposer d'états financiers auprès du tribunal.

(Vous n'avez pas à répondre à la rubrique 4 ci-dessous si votre cause relève de la Loi sur le divorce (Canada).)

4. ☐ Le montant des aliments pour les enfants n'est pas inférieur à celui qui serait déterminé conformément aux Lignes directrices sur les aliments pour les enfants.

ou

- ☐ Le montant des aliments pour les enfants est inférieur à celui qui serait déterminé conformément aux Lignes directrices sur les aliments pour les enfants. Des fonds publics (par ex. des prestations d'aide sociale) ☐ sont versés ☐ ne sont pas versés au titre des aliments pour l'enfant/les enfants.

5. Je consens/Nous consentons à une ordonnance modificative aux conditions suivantes :

☐ Montant de ..... \$ par mois, prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants, à l'égard de ..... enfant(s), selon le revenu annuel du payeur qui est de ..... \$, à compter du .....

☐ Montant des dépenses spéciales ou extraordinaires, selon ce qui suit :

Nom de l'enfant	Type de dépense	Montant	Part du payeur	Date de cessation de la dépense (si elle est connue)
		\$	\$	

☐ Un montant de ..... \$ par mois pour l'enfant/les enfants à compter du ....., lequel diffère du montant prévu par la table figurant dans les Lignes directrices sur les aliments pour les enfants.

☐ Arriéré dû à ....., établi à ..... \$ au (date fixée) .....

☐ Arriéré dû à ....., établi à ..... \$ au (date fixée) .....

☐ Arriéré dû à ....., à payer à raison de ..... \$ par mois à compter du .....

☐ Arriéré dû à ....., à payer à raison de ..... \$ par mois à compter du .....

.....  
signature du requérant

.....  
date de la signature du requérant

.....  
témoin

.....  
signature de l'intimé

.....  
date de la signature de l'intimé

.....  
témoin

.....  
signature du représentant du cessionnaire  
(le cas échéant)

pour

.....  
nom du cessionnaire

.....  
date de la signature

.....  
nom du représentant du cessionnaire en lettres moulées

100

100

100

100

100

100

100

100

100

100

100

100

100

100

100

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-06-13

## ONTARIO REGULATION 247/98 made under the PLANNING ACT

Made: May 19, 1998  
Filed: May 25, 1998

Amending O. Reg. 698/85

(Zoning Areas—Territorial District of Thunder Bay, geographic townships of Bomby, Brothers, Bryant, Cecile, Knowles, Laberge, Lecours and McCron, and Part of the Unorganized Lands lying North of the geographic townships of Bomby, Brothers, Laberge, lying West of the geographic Township of Bryant)

Note: Ontario Regulation 698/85 has not been amended in 1997 or 1998. For prior amendments, see the Tables of Regulations in the Statutes of Ontario, 1991 and the Statutes of Ontario, 1996.

1. Ontario Regulation 698/85 is amended by adding the following section:

21. (1) Despite sections 15 and 18, buildings and structures accessory to the explosives storage and manufacturing business that existed on the lands described in subsection (2) on the day this section comes into force, may be erected and used on these lands if the following requirements are met:

Maximum lot coverage	50 per cent
Minimum front yard	15 metres
Minimum rear yard	8 metres
Minimum side yard	5 metres
Minimum distance from the Canadian Pacific Right-of-way	100 metres

(2) Subsection (1) applies to that parcel of land in the Township of Bomby in the Territorial District of Thunder Bay designated as Mining

Claim TB 655804 which is part of Part 7 on Plan 55R-5787 in the Land Registry Office for the Land Titles Division of Thunder Bay (No. 55).

KAREN SMITH  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on May 19, 1998.

24/98

## ONTARIO REGULATION 248/98 made under the MUNICIPAL ACT

Made: May 25, 1998  
Filed: May 25, 1998

Amending O. Reg. 33/98  
(Prescribed Tax—International Bridges)

Note: Ontario Regulation 33/98 has not previously been amended.

1. Section 1 of Ontario Regulation 33/98 is amended by striking out "0.5" in the second line and substituting "0.5 per cent".

2. Section 4 of the Regulation is amended by striking out "Schedule II" in the second last line and substituting "Schedule II".

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 25, 1998.

24/98

## ONTARIO REGULATION 249/98 made under the MUNICIPAL ACT

Made: May 25, 1998  
Filed: May 25, 1998

Amending O. Reg. 523/97  
(Tax Related Matters)

Note: Ontario Regulation 523/97 has been amended by Ontario Regulation 534/97.

1. Section 2 of Ontario Regulation 523/97 is amended by striking out "May 31, 1998" in the third line and substituting "July 15, 1998".

## RÈGLEMENT DE L'ONTARIO 249/98 pris en application de la LOI SUR LES MUNICIPALITÉS

pris le 25 mai 1998  
déposé le 25 mai 1998

modifiant le Règl. de l'Ont. 523/97  
(Questions ayant trait aux impôts)

Remarque : Le Règlement de l'Ontario 523/97 a été modifié par le Règlement de l'Ontario 534/97.

1. L'article 2 du Règlement de l'Ontario 523/97 est modifié par substitution de «15 juillet 1998» à «31 mai 1998» à la troisième ligne.

2. Section 3 of the Regulation is amended by striking out "May 31, 1998" in the third line and substituting "July 15, 1998".

2. L'article 3 du Règlement est modifié par substitution de «15 juillet 1998» à «31 mai 1998» à la quatrième ligne.

AL LEACH  
Minister of Municipal Affairs and Housing

AL LEACH  
Ministre des Affaires municipales et du Logement

Dated on May 25, 1998.

Fait le 25 mai 1998.

24/98

**ONTARIO REGULATION 250/98**  
made under the  
**MUNICIPAL ACT**

Made: May 25, 1998  
Filed: May 25, 1998

Amending O. Reg. 35/98  
(Extension of Time Limits)

Note: Ontario Regulation 35/98 has not previously been amended.

1. Section 3 of Ontario Regulation 35/98 is amended by striking out "May 1, 1998" in the third line and substituting "June 15, 1998".

2. Section 4 of the Regulation is amended by striking out "March 15, 1998" in the fourth line and substituting "May 31, 1998".

3. Section 5 of the Regulation is amended by striking out "May 31, 1998" in the second and third lines and substituting "July 15, 1998".

AL LEACH  
Minister of Municipal Affairs and Housing

Dated on May 25, 1998.

24/98

**ONTARIO REGULATION 251/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 26, 1998  
Filed: May 26, 1998

**RESTRICTED FIRE ZONE**

1. Zone 13 of the East Fire Region, except that part described in Ontario Regulation 182/98, those lands described in Schedule 'A' hereto in Zone 14 of the East Fire Region, Zones 15, 16, 17 and 18 of the East Fire Region, and those lands described in Schedule 'B' hereto in Zone 19 of the East Fire Region, as described in Schedule 2 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 0001 hours on May 28 to 2400 hours on June 3, both inclusive, in the year 1998.

2. Schedules 'A' and 'B' form part of this Regulation.

**Schedule 'A'**

All that land in the Territorial District of Cochrane, in the Province of Ontario, designated as Zone 14A on a plan known as East Fire Region,

filed in the Office of the Surveyor General of Ontario on October 3, 1995, in the Ministry of Natural Resources at Toronto.

**Schedule 'B'**

In the geographic Township of Humboldt, in the Territorial District of Manitoulin; in the geographic townships of Bertram, Falconer, and Latchford, in the Territorial District of Nipissing; in the geographic townships of Blair, Hardy, McConkey, Mowat, Patterson, in the Territorial District of Parry Sound; in part of the Territorial District of Parry Sound; in the geographic townships of Allen, Bigwood, Scollard, Struthers, Travers, in the Territorial District of Sudbury; and in the geographic Township of Mason, now in the Municipal Township of Cosby, Mason, and Martland, in the Territorial District of Sudbury, all in the Province of Ontario, containing 52,740 hectares, more or less, being composed of those parts of the said geographic townships and of that part the Territorial District of Parry Sound, designated as parts 1 and 2 on sheets 1, 2, 3, 4 and 5 of a plan known as French River Provincial Park filed, on May 1, 1997, with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources at Peterborough, Ontario.

RON VRANCART  
Deputy Minister of Natural Resources

Dated on May 26, 1998.

24/98

**ONTARIO REGULATION 252/98**  
made under the  
**PLANNING ACT**

Made: May 27, 1998  
Filed: May 27, 1998

**WITHDRAWAL AND DELEGATION OF  
MINISTER'S AUTHORITY—REGIONAL  
MUNICIPALITY OF YORK AND  
THE TOWN OF NEWMARKET**

1. The Minister's authority to give approval under section 51 of the Act, as it existed immediately prior to March 28, 1995 (and continued by section 74.1 of the Act), is withdrawn from The Regional Municipality of York and is delegated to the council of the Town of Newmarket with respect to,

- (a) applications for approval of plans of subdivision whose file numbers are set out in Schedule 1; and
- (b) applications for approval or exemption of condominium descriptions under section 50 of the *Condominium Act* whose file numbers are set out in Schedule 2.

2. (1) If any of the authority delegated to the council is in turn delegated by the council to a committee of council or an appointed officer

under subsection 5 (1) of the Act, the council shall forward to the Minister a certified copy of the delegating by-law within 15 days of its passing.

(2) The delegation of authority set out in this Regulation is not terminated by reason only that subsection (1) is not complied with.

**3. This Regulation comes into force on June 1, 1998.**

**Schedule 1**

**FILE NUMBERS OF APPLICATIONS FOR APPROVAL  
OF PLANS OF SUBDIVISION**

19T-90030	19T-95036
19T-90031	19T-95037
19T-90040	19T-95038
19T-90064	19T-95106
19T-93017	19T-95107

**Schedule 2**

**FILE NUMBERS OF APPLICATIONS FOR APPROVAL OR  
EXEMPTION OF CONDOMINIUM DESCRIPTIONS**

19CDM-90033  
19CDM-95009

AL LEACH  
*Minister of Municipal Affairs and Housing*

Dated on May 27, 1998.

24/98

**ONTARIO REGULATION 253/98**  
made under the  
**ST. CLAIR PARKWAY COMMISSION ACT**

Made: April 1, 1998  
Approved: May 27, 1998  
Filed: May 28, 1998

Amending Reg. 1022 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 1022 has been amended by Ontario Regulation 168/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Sections 16 and 16.1, subsections 19 (2), (2.1) and (3), section 20 and subsection 21 (5) of Regulation 1022 of the Revised Regulations of Ontario, 1990 are revoked.**

**2. Section 22 of the Regulation is revoked and the following substituted:**

**22. (1) In this section,**

"boat" means a boat of any description;

"season" means the period from the 15th day of April to the 31st day of October, both inclusive.

(2) A boat that is rented per day or per half day must be returned by sunset.

(3) No person, except the holder of a season permit, shall moor any boat in the parks for a total period of more than 14 days consecutively in any calendar year.

**3. Sections 23, 23.1 and 24 of the Regulation are revoked.**

**4. This Regulation comes into force on the day section 3 of the Government Process Simplification Act (Ministry of Economic Development, Trade and Tourism), 1997 comes into force.**

THE ST. CLAIR PARKWAY COMMISSION:

JOHN N. MATHESON  
*Chair*

DAVID CRAM  
*Secretary-Treasurer*

Dated on April 1, 1998.

24/98

**ONTARIO REGULATION 254/98**  
made under the  
**HISTORICAL PARKS ACT**

Made: May 27, 1998  
Filed: May 28, 1998

Revoking O. Reg. 210/96  
(Fees)

**1. Ontario Regulation 210/96 is revoked.**

**2. This Regulation comes into force on the day section 1 of the Government Process Simplification Act (Ministry of Economic Development, Trade and Tourism), 1997 comes into force.**

24/98

**ONTARIO REGULATION 255/98**  
made under the  
**ONTARIO PLACE CORPORATION ACT**

Made: April 1, 1998  
Approved: May 27, 1998  
Filed: May 28, 1998

Revoking O. Reg. 169/97  
(Fees)

**1. Ontario Regulation 169/97 is revoked.**

**2. This Regulation comes into force on the day section 2 of the Government Process Simplification Act (Ministry of Economic Development, Trade and Tourism), 1997 comes into force.**

ONTARIO PLACE CORPORATION:

MAX BECK  
*General Manager*

GLEN GREY  
*Secretary-Treasurer*

Dated on April 1, 1998.

24/98

**ONTARIO REGULATION 256/98**  
made under the  
**FARM PRODUCTS MARKETING ACT**

Made: May 14, 1998  
Filed: May 28, 1998

Amending Reg. 388 of R.R.O. 1990  
(Apples—Plan)

Note: Regulation 388 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. The Schedule to Regulation 388 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**Schedule**

*Farm Products Marketing Act*

**PLAN**

1. This plan may be cited as "The Ontario Apple Marketing Plan".
2. In this plan,  
"apples" means apples of every variety produced in Ontario;  
"producer" means,  
  - (a) a person who, on October 1 in any year, is the beneficial owner of a property on which apple trees are growing; or
  - (b) a tenant who, on October 1 in any year, is renting such property.
3. The plan provides for the control and regulation in any or all respects of the producing and marketing within Ontario of apples, including the prohibition of such producing or marketing in whole or in part.
4. The Ontario Apple Marketing Commission, hereinafter known as the Apple Commission, is continued as a local board.
5. The Apple Commission shall be composed of 15 members, 10 of whom shall be producers and 5 non-producers.
6. Members of the Apple Commission shall be elected or appointed in accordance with this plan and shall hold office until August 15 of the year following their election or appointment or until their successors are elected or appointed.
7. A member of the Apple Commission is not eligible for further election or appointment to the Apple Commission in any other representative capacity.
8. Producers are divided into five districts as follows:
  1. District 1, comprising the regional municipalities of Hamilton-Wentworth, Niagara, Halton and Peel, that part of The Regional Municipality of Haldimand-Norfolk that on March 31, 1974 was the County of Haldimand, the County of Wellington, and the County of York as it existed on December 31, 1970.
  2. District 2, comprising The Regional Municipality of Waterloo, that part of The Regional Municipality of Haldimand-Norfolk that on March 31, 1974 was the County of Norfolk, the County

of Brant, the counties of Oxford, Perth and Huron and those parts of the counties of Elgin and Middlesex lying east of that part of the King's Highway known as No. 4.

3. District 3, comprising the counties of Essex, Kent and Lambton and those parts of the counties of Elgin and Middlesex lying west of that part of the King's Highway known as No. 4.
4. District 4, comprising the counties of Bruce, Dufferin, Grey and Simcoe.
5. District 5, comprising The Regional Municipality of Durham, The Regional Municipality of Ottawa-Carleton, the counties of Northumberland, Peterborough, Victoria, Frontenac, Hastings, Lanark, Lennox and Addington, Prince Edward and Renfrew and the United Counties of Stormont, Dundas and Glengarry, the United Counties of Leeds and Grenville and the United Counties of Prescott and Russell.
9. (1) The producers in each district mentioned in section 8 form a district group of producers.  
  
(2) A producer in the County of Haliburton or in a territorial district not included in a district mentioned in section 8 may become a member of the district group of producers nearest his or her place of production.
10. There shall be a committee of six producer-members in each district to be known as the "District Apple Producers' Committee".
11. On or before August 10 in each year, producers in each district shall elect from their members representatives to the District Apple Producers' Committee.
12. (1) On or before August 15 in each year, producers in each district shall elect two members to the Apple Commission from among their representatives to the District Apple Producers' Committee.  
  
(2) No producer is eligible for election to the Apple Commission who,  
  - (a) has not been elected a representative to the District Apple Producers' Committee in the same year as that in which his or her term commences as a member of the Apple Commission; or
  - (b) is in default of payment of any money owing to the Apple Commission.
- (3) No producer is eligible for election in a district to the Apple Commission unless he or she resides within the district.
13. On or before August 15 in each year, the Commission shall appoint five members to the Apple Commission who are not producers.
14. If the producers in any district do not elect a member to the Apple Commission in accordance with subsection 12 (1), the Apple Commission shall appoint such producer-members as are necessary to complete the Apple Commission at its first meeting after August 15.
15. (1) If a member who has been elected, or who has been appointed by the Apple Commission, dies or resigns before his or her term expires, the Apple Commission may appoint a person to fill the vacancy for the unexpired term in accordance with section 5.  
  
(2) If the Apple Commission does not appoint a person under subsection (1) within 30 days after the death or resignation, the Commission may do so.



(3) If a member appointed by the Commission dies or resigns before his or her term expires, the Commission shall, within 30 days of the death or resignation, fill the vacancy for the unexpired term in accordance with section 5.

2. Despite the coming into force of this Regulation, persons who, on the day this Regulation comes into force, are members of the Apple Commission remain in office until their successors are elected or appointed in accordance with Regulation 388, as amended by this Regulation.

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

D.W. TAYLOR  
Chair

GLORIA MARCO BORYS  
Secretary

24/98

**ONTARIO REGULATION 257/98**  
made under the  
**PROVINCIAL OFFENCES ACT**

Made: May 27, 1998  
Filed: May 28, 1998

Amending Reg. 950 of R.R.O. 1990  
(Proceedings Commenced by Certificate of Offence)

Note: Since January 1, 1997, Regulation 950 has been amended by Ontario Regulations 109/97, 180/97, 234/97, 344/97, 536/97 and 148/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Regulation 950 of the Revised Regulations of Ontario, 1990 is amended by adding the following Schedule:

**Schedule 36.1**

Ontario Regulation 51/97 under the *Game and Fish Act*

ITEM	COLUMN 1	COLUMN 2
1.	Failure to wear hunter orange while hunting	clauses 2 (a) and 2 (b)

24/98

**ONTARIO REGULATION 258/98**  
made under the  
**COURTS OF JUSTICE ACT**

Made: May 22, 1998  
Approved: May 27, 1998  
Filed: May 28, 1998

**RULES OF THE SMALL CLAIMS COURT**

**SUMMARY OF CONTENTS**

*Rule*

- 1 Interpretation
- 2 Non-Compliance with the Rules
- 3 Time
- 4 Parties under Disability
- 5 Partners and Sole Proprietorships
- 6 Forum and Jurisdiction
- 7 Commencement of Proceedings
- 8 Service
- 9 Defence
- 10 Defendant's Claim
- 11 Default Proceedings
- 12 Amendment
- 13 Pre-Trial Conference
- 14 Offer to Settle
- 15 Motions

**RÈGLEMENT DE L'ONTARIO 258/98**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 22 mai 1998  
approuvé le 27 mai 1998  
déposé le 28 mai 1998

**RÈGLES DE LA COUR DES PETITES CRÉANCES**

**SOMMAIRE**

*Règle*

- 1 Interprétation
- 2 Inobservation des règles
- 3 Délais
- 4 Parties incapables
- 5 Sociétés en nom collectif et entreprises à propriétaire unique
- 6 Lieu d'audition de l'action et compétence
- 7 Introduction de l'instance
- 8 Signification
- 9 Défense
- 10 Demande du défendeur
- 11 Défaut
- 12 Modification
- 13 Conférences préparatoires au procès
- 14 Offre de transaction
- 15 Motions

- 16 Notice of Trial
- 17 Trial
- 18 Evidence at Trial
- 19 Costs
- 20 Enforcement of Orders
- 21 Referee

**Table of Forms****Forms**

- 16 Avis de procès
- 17 Procès
- 18 Preuve au procès
- 19 Dépens
- 20 Exécution forcée
- 21 Arbitre

**Liste des formules****Formules****RULE 1 INTERPRETATION****Citation**

1.01 These rules may be cited as the Small Claims Court Rules.

**Definitions**

1.02 In these rules,

“court” means the Small Claims Court;

“disability”, where used in respect of a person or party, means that the person or party is,

- (a) a minor,
- (b) mentally incapable within the meaning of section 6 or 45 of the *Substitute Decisions Act, 1992* in respect of an issue in the proceeding, whether the person or party has a guardian or not, or
- (c) an absentee within the meaning of the *Absentees Act*;

“holiday” means,

- (a) any Saturday or Sunday,
- (b) New Year's Day,
- (c) Good Friday,
- (d) Easter Monday,
- (e) Victoria Day,
- (f) Canada Day,
- (g) Civic Holiday,
- (h) Labour Day,
- (i) Thanksgiving Day,
- (j) Remembrance Day,
- (k) Christmas Day,
- (l) Boxing Day, and
- (m) any special holiday proclaimed by the Governor General or the Lieutenant Governor,

and if New Year's Day, Canada Day or Remembrance Day falls on a Saturday or Sunday, the following Monday is a holiday, and if Christmas Day falls on a Saturday or Sunday, the following Monday and Tuesday are holidays, and if Christmas Day falls on a Friday, the following Monday is a holiday;

“order” includes a judgment.

**RÈGLE 1 INTERPRÉTATION****Mention des règles**

1.01 Les présentes règles peuvent être mentionnées sous le titre de Règles de la Cour des petites créances.

**Définitions**

1.02 Les définitions qui suivent s'appliquent aux présentes règles.

«incapable» Les personnes ou parties suivantes :

- a) le mineur;
- b) l'incapable mental au sens de l'article 6 ou 45 de la *Loi de 1992 sur la prise de décisions au nom d'autrui* à l'égard d'une question dans l'instance, que la personne ou la partie ait ou non un tuteur;
- c) l'absent au sens de la *Loi sur les absents*.

L'adjectif «incapable» et le substantif «incapacité» ont un sens correspondant. («disability»)

«jour férié» :

- a) Le samedi et le dimanche;
- b) le jour de l'An;
- c) le Vendredi saint;
- d) le lundi de Pâques;
- e) la fête de la Reine;
- f) la fête du Canada;
- g) le Congé civique;
- h) la fête du Travail;
- i) le jour d'Action de grâce;
- j) le jour du Souvenir;
- k) le jour de Noël;
- l) le 26 décembre;

m) le jour proclamé tel par le gouverneur général ou le lieutenant-gouverneur.

Si le jour de l'An, la fête du Canada ou le jour du Souvenir tombent un samedi ou un dimanche, le lundi suivant est jour férié. Si le jour de Noël tombe un samedi ou un dimanche, le lundi et le mardi suivants sont jours fériés. Si le jour de Noël tombe un vendredi, le lundi suivant est jour férié. («holiday»)

«ordonnance» S'entend en outre d'un jugement. («order»)

«tribunal» La Cour des petites créances. («court»)

**General Principle**

1.03 (1) These rules shall be liberally construed to secure the just, most expeditious and least expensive determination of every proceeding on its merits in accordance with section 25 of the *Courts of Justice Act*.

**Matters Not Provided For**

(2) If matters are not provided for in these rules, the practice shall be determined by analogy to them and the court may, at any stage in a proceeding, make any order that is just.

**Orders on Terms**

1.04 When making an order under these rules, the court may impose such terms and give such directions as are just.

**Forms**

1.05 (1) The forms prescribed by these rules shall be used where applicable and with such variations as the circumstances require.

**General Heading**

(2) Every document in a proceeding, except a notice of garnishment and certificate of service, shall have a general heading in accordance with Form 1A.

**RULE 2 NON-COMPLIANCE WITH THE RULES****Effect of Non-Compliance**

2.01 A failure to comply with these rules is an irregularity and does not render a proceeding or a step, document or order in a proceeding a nullity, and the court may grant all necessary amendments or other relief, on such terms as are just, to secure the just determination of the real matters in dispute.

**Court May Dispense With Compliance**

2.02 If necessary in the interest of justice, the court may dispense with compliance with any rule at any time.

**RULE 3 TIME****Computation**

3.01 If these rules or an order of the court prescribe a period of time for the taking of a step in a proceeding, the time shall be counted by excluding the first day and including the last day of the period; if the last day of the period of time falls on a holiday, the period ends on the next day that is not a holiday.

**Powers of Court**

3.02 (1) The court may lengthen or shorten any time prescribed by these rules or an order, on such terms as are just.

**Consent**

(2) A time prescribed by these rules for serving or filing a document may be lengthened or shortened by the written consent of the parties.

**RULE 4 PARTIES UNDER DISABILITY****Plaintiff's Litigation Guardian**

4.01 (1) An action by a person under disability shall be commenced or continued by a litigation guardian, subject to subrule (2).

**Exception**

(2) A minor may sue for any sum not exceeding \$500 as if he or she were of full age.

**Principe général**

1.03 (1) Les présentes règles doivent recevoir une interprétation large afin d'assurer la résolution équitable sur le fond de chaque instance, de la façon la plus expéditive et la moins onéreuse, conformément à l'article 25 de la *Loi sur les tribunaux judiciaires*.

**Silence des règles**

(2) En cas de silence des présentes règles, la pratique applicable est déterminée par analogie avec celles-ci et le tribunal peut, à toute étape de l'instance, rendre une ordonnance juste.

**Ordonnances sous conditions**

1.04 Le tribunal qui rend une ordonnance en application des présentes règles peut y ajouter des directives et des conditions justes.

**Formules**

1.05 (1) Les formules que prescrivent les présentes règles sont utilisées s'il y a lieu et avec les adaptations nécessaires.

**Titre**

(2) Les documents de procédure, à l'exception de l'avis de saisie-arêt et du certificat de signification, ont un titre conforme à la formule 1A.

**RÈGLE 2 INOBSERVATION DES RÈGLES****Effet de l'observation**

2.01 L'observation des présentes règles constitue une irrégularité et n'est pas cause de nullité de l'instance ni d'une mesure prise, d'un document donné ou d'une ordonnance rendue dans le cadre de celle-ci. Le tribunal peut autoriser les modifications ou accorder les mesures de redressement nécessaires, à des conditions justes, afin d'assurer une résolution équitable des véritables questions en litige.

**Dispense du tribunal**

2.02 Le tribunal peut dispenser en tout temps de l'observation d'une règle si cela est nécessaire dans l'intérêt de la justice.

**RÈGLE 3 DÉLAIS****Computation des délais**

3.01 Si les présentes règles ou une ordonnance du tribunal fixent un délai pour prendre une mesure dans le cadre d'une instance, le délai se calcule en excluant le premier jour mais en incluant le dernier jour; si le dernier jour du délai tombe un jour férié, le délai prend fin le jour suivant qui n'est pas un jour férié.

**Pouvoir du tribunal**

3.02 (1) Le tribunal peut proroger ou abréger le délai fixé par les présentes règles ou par une ordonnance, à des conditions justes.

**Consentement**

(2) Le délai fixé par les présentes règles pour la signification ou le dépôt d'un document peut être prorogé ou abrégé par consentement écrit des parties.

**RÈGLE 4 PARTIES INCAPABLES****Tuteur à l'instance du demandeur**

4.01 (1) Sous réserve du paragraphe (2), le tuteur à l'instance introduit ou continue une action au nom d'un incapable.

**Exception**

(2) Le mineur peut intenter une poursuite dont le montant ne dépasse pas 500 \$ comme s'il était majeur.

**Consent**

(3) A plaintiff's litigation guardian shall, at the time of filing a claim or as soon as possible afterwards, file with the clerk a consent (Form 4A) in which the litigation guardian,

- (a) states the nature of the disability;
- (b) in the case of a minor, states the minor's birth date;
- (c) sets out his or her relationship, if any, to the person under disability;
- (d) states that he or she has no interest in the proceeding contrary to that of the person under disability;
- (e) acknowledges that he or she is aware of his or her liability to pay personally any costs awarded against him or her or against the person under disability; and
- (f) states whether he or she is represented by a lawyer or agent and, if so, gives that person's name and confirms that the person has written authority to act in the proceeding.

**Defendant's Litigation Guardian**

**4.02 (1)** An action against a person under disability shall be defended by a litigation guardian.

(2) A defendant's litigation guardian shall file with the defence a consent (Form 4B) in which the litigation guardian,

- (a) states the nature of the disability;
- (b) in the case of a minor, states the minor's birth date;
- (c) sets out his or her relationship, if any, to the person under disability;
- (d) states that he or she has no interest in the proceeding contrary to that of the person under disability; and
- (e) states whether he or she is represented by a lawyer or agent and, if so, gives that person's name and confirms that the person has written authority to act in the proceeding.

(3) If it appears to the court that a defendant is a person under disability and the defendant does not have a litigation guardian the court may, after notice to the proposed litigation guardian, appoint as litigation guardian for the defendant any person who has no interest in the action contrary to that of the defendant.

**Who May Be Litigation Guardian**

**4.03 (1)** Any person who is not under disability may be a plaintiff's or defendant's litigation guardian, subject to subrule (2).

(2) If the plaintiff or defendant,

- (a) is a minor, in a proceeding to which subrule 4.01 (2) does not apply,
  - (i) the parent or person with lawful custody or another suitable person shall be the litigation guardian, or
  - (ii) if no such person is available and able to act, the Children's Lawyer shall be the litigation guardian;
- (b) is mentally incapable and has a guardian with authority to act as litigation guardian in the proceeding, the guardian shall be the litigation guardian;
- (c) is mentally incapable and does not have a guardian with authority to act as litigation guardian in the proceeding, but has an attorney under a power of attorney with that authority, the attorney shall be the litigation guardian;

**Consentement**

(3) Lors du dépôt de la demande ou le plus tôt possible par la suite, le tuteur à l'instance du demandeur dépose auprès du greffier un acte de consentement (formule 4A) dans lequel il :

- a) précise la nature de l'incapacité;
- b) dans le cas d'un mineur, indique la date de naissance de ce dernier;
- c) indique, le cas échéant, son lien de parenté avec l'incapable;
- d) indique n'avoir, dans l'instance, aucun intérêt opposé à celui de l'incapable;
- e) reconnaît savoir qu'il pourrait être tenu personnellement responsable de tous les dépens auxquels lui-même ou l'incapable pourrait être condamné;
- f) précise s'il est ou non représenté par un avocat ou un mandataire et, le cas échéant, donne le nom de cette personne et confirme qu'elle est autorisée par écrit à agir dans l'instance.

**Tuteur à l'instance du défendeur**

**4.02 (1)** Le tuteur à l'instance d'un incapable conteste l'action intentée contre celui-ci.

(2) Le tuteur à l'instance d'un défendeur dépose, avec la défense, un acte de consentement (formule 4B) dans lequel il :

- a) précise la nature de l'incapacité;
- b) dans le cas d'un mineur, indique la date de naissance de ce dernier;
- c) indique, le cas échéant, son lien de parenté avec l'incapable;
- d) indique n'avoir, dans l'instance, aucun intérêt opposé à celui de l'incapable;
- e) précise s'il est ou non représenté par un avocat ou un mandataire et, le cas échéant, donne le nom de cette personne et confirme qu'elle est autorisée par écrit à agir dans l'instance.

(3) Si le tribunal constate qu'un défendeur est incapable et n'est pas représenté par un tuteur à l'instance, il peut, après qu'un avis est donné au tuteur à l'instance proposé, nommer tuteur à l'instance du défendeur une personne qui n'a aucun intérêt opposé à celui du défendeur.

**Personnes pouvant être tuteur à l'instance**

**4.03 (1)** Sous réserve du paragraphe (2), quiconque n'est pas incapable peut être le tuteur à l'instance d'un demandeur ou d'un défendeur.

(2) Si le demandeur ou le défendeur :

- a) est un mineur, dans une instance à laquelle le paragraphe 4.01 (2) ne s'applique pas :
  - (i) le père, la mère, la personne qui en a la garde légitime ou une autre personne apte est le tuteur à l'instance,
  - (ii) si aucune de ces personnes n'est disponible et capable d'agir, l'avocat des enfants est le tuteur à l'instance;
- b) est un incapable mental et a un tuteur habilité à agir en qualité de tuteur à l'instance dans l'instance, le tuteur est le tuteur à l'instance;
- c) est un incapable mental et n'a pas de tuteur habilité à agir en qualité de tuteur à l'instance dans l'instance, mais a un procureur constitué en vertu d'une procuration qui est habilité à ce faire, le procureur est le tuteur à l'instance;

- (d) is mentally incapable and has neither a guardian with authority to act as litigation guardian in the proceeding nor an attorney under a power of attorney with that power,
  - (i) a suitable person who has no interest contrary to that of the incapable person may be the litigation guardian, or
  - (ii) if no such person is available and able to act, the Public Guardian and Trustee shall be the litigation guardian;
- (e) is an absentee,
  - (i) the committee of his or her estate appointed under the *Absentees Act* shall be the litigation guardian,
  - (ii) if there is no such committee, a suitable person who has no interest contrary to that of the absentee may be the litigation guardian, or
  - (iii) if no such person is available and able to act, the Public Guardian and Trustee shall be the litigation guardian;
- (f) is a person in respect of whom an order was made under subsection 72 (1) or (2) of the *Mental Health Act* as it read before April 3, 1995, the Public Guardian and Trustee shall be the litigation guardian.

#### ***Duties of Litigation Guardian***

**4.04** (1) A litigation guardian shall diligently attend to the interests of the person under disability and take all steps reasonably necessary for the protection of those interests, including the commencement and conduct of a defendant's claim.

#### ***Public Guardian and Trustee, Children's Lawyer***

(2) The Public Guardian and Trustee or the Children's Lawyer may act as litigation guardian without filing the consent required by subrule 4.01 (3) or 4.02 (2).

#### ***Power of Court***

**4.05** The court may remove or replace a litigation guardian at any time.

#### ***Setting Aside Judgment, etc.***

**4.06** If an action has been brought against a person under disability and the action has not been defended by a litigation guardian, the court may set aside the noting of default or any judgment against the person under disability on such terms as are just, and may set aside any step that has been taken to enforce the judgment.

#### ***Settlement Requires Court's Approval***

**4.07** No settlement of a claim made by or against a person under disability is binding on the person without the approval of the court.

#### ***Money to be Paid into Court***

**4.08** (1) Any money payable to a person under disability under an order or a settlement shall be paid into court, unless the court orders otherwise, and shall afterwards be paid out or otherwise disposed of as ordered by the court.

(2) If money is payable to a person under disability under an order or settlement, the court may order that the money shall be paid directly to the person, and payment made under the order discharges the obligation to the extent of the amount paid.

- d) est un incapable mental et n'a ni tuteur habilité à agir en qualité de tuteur à l'instance dans l'instance, ni procureur constitué en vertu d'une procuration qui est ainsi habilité :
  - (i) une personne apte qui n'a pas d'intérêt opposé à celui de l'incapable peut être le tuteur à l'instance,
  - (ii) si une telle personne n'est pas disponible ni capable d'agir, le Tuteur et curateur public est le tuteur à l'instance;
- e) est un absent :
  - (i) son curateur aux biens nommé en vertu de la *Loi sur les absents* est le tuteur à l'instance,
  - (ii) s'il n'a pas de tel curateur, une personne apte qui n'a pas d'intérêt opposé au sien peut être le tuteur à l'instance,
  - (iii) si une telle personne n'est pas disponible ni capable d'agir, le Tuteur et curateur public est le tuteur à l'instance;
- f) est une personne visée par une ordonnance rendue en vertu du paragraphe 72 (1) ou (2) de la *Loi sur la santé mentale*, tel qu'il existait avant le 3 avril 1995, le Tuteur et curateur public est le tuteur à l'instance.

#### ***Obligations du tuteur à l'instance***

**4.04** (1) Le tuteur à l'instance veille aux intérêts de l'incapable et prend les mesures nécessaires pour les défendre, y compris l'introduction et la conduite de la demande du défendeur.

#### ***Tuteur et curateur public, avocat des enfants***

(2) Le Tuteur et curateur public ou l'avocat des enfants peut agir en qualité de tuteur à l'instance sans déposer l'acte de consentement exigé par le paragraphe 4.01 (3) ou 4.02 (2).

#### ***Pouvoir du tribunal***

**4.05** Le tribunal peut destituer ou remplacer le tuteur à l'instance en tout temps.

#### ***Annulation du jugement***

**4.06** Si une action a été intentée contre un incapable et qu'elle n'a pas été contestée par un tuteur à l'instance, le tribunal peut annuler la constatation du défaut ou le jugement rendu contre l'incapable, à des conditions justes. Il peut également annuler les mesures qui ont été prises pour exécuter le jugement.

#### ***Homologation d'une transaction par le tribunal***

**4.07** Aucune transaction sur une demande présentée par un incapable ou contre lui ne peut lier ce dernier sans qu'elle ait été homologuée par le tribunal.

#### ***Consignation des sommes d'argent payables au tribunal***

**4.08** (1) Sauf ordonnance contraire du tribunal, les sommes payables à l'incapable aux termes d'une ordonnance ou d'une transaction sont consignées au tribunal. Elles sont par la suite versées ou aliénées de la façon qu'ordonne le tribunal.

(2) Si des sommes sont payables à l'incapable aux termes d'une ordonnance ou d'une transaction, le tribunal peut ordonner qu'elles soient payées directement à cette personne. Le paiement effectué aux termes de l'ordonnance libère de l'obligation jusqu'à concurrence du montant payé.

**RULE 5 PARTNERSHIPS AND SOLE PROPRIETORSHIPS****Partnerships**

**5.01** A proceeding by or against two or more persons as partners may be commenced using the firm name of the partnership.

**Defence**

**5.02** If a proceeding is commenced against a partnership using the firm name, the partnership's defence shall be delivered in the firm name and no person who admits being a partner at any material time may defend the proceeding separately, except with leave of the court.

**Notice to Alleged Partner**

**5.03 (1)** In a proceeding against a partnership using the firm name, a plaintiff who seeks an order that would be enforceable personally against a person as a partner may serve the person with the claim, together with a notice to alleged partner (Form 5A).

(2) A person served as provided in subrule (1) is deemed to have been a partner at the material time, unless the person defends the proceeding separately denying having been a partner at the material time.

**Disclosure of Partners**

**5.04 (1)** If a proceeding is commenced by or against a partnership using the firm name, any other party may serve a notice requiring the partnership to disclose immediately in writing the names and addresses of all partners constituting the partnership at a time specified in the notice; if a partner's present address is unknown, the partnership shall disclose the last known address.

(2) If a partnership fails to comply with a notice under subrule (1), its claim may be dismissed or the proceeding stayed or its defence may be struck out.

**Enforcement of Order**

**5.05 (1)** An order against a partnership using the firm name may be enforced against the partnership's property.

(2) An order against a partnership using the firm name may also be enforced, if the order or a subsequent order so provides, against any person who was served as provided in rule 5.03 and who,

- (a) under that rule, is deemed to have been a partner at the material time;
- (b) has admitted being a partner at that time; or
- (c) has been adjudged to have been a partner at that time.

**Against Person not Served as Alleged Partner**

(3) If, after an order has been made against a partnership using the firm name, the party obtaining it claims to be entitled to enforce it against any person alleged to be a partner other than a person who was served as provided in rule 5.03, the party may move before a judge for leave to do so; the judge may grant leave if the person's liability as a partner is not disputed or, if disputed, after the liability has been determined in such manner as the judge directs.

**RÈGLE 5 SOCIÉTÉS EN NOM COLLECTIF ET ENTREPRISES À PROPRIÉTAIRE UNIQUE****Sociétés en nom collectif**

**5.01** L'instance introduite par ou contre plusieurs personnes en leur qualité d'associés peut l'être sous la raison sociale de la société.

**Défense**

**5.02** Si une instance est introduite contre une société en nom collectif sous sa raison sociale, la défense de la société est présentée sous sa raison sociale. La personne qui admet avoir été un associé à l'époque en cause ne peut présenter de défense séparée à l'instance sans l'autorisation du tribunal.

**Avis au prétendu associé**

**5.03 (1)** Dans une instance introduite contre une société en nom collectif sous sa raison sociale, le demandeur qui demande au tribunal une ordonnance qui serait exécutoire personnellement contre une personne en qualité d'associé peut lui signifier la demande, accompagnée d'un avis au prétendu associé (formule 5A).

(2) La personne qui a reçu signification conformément au paragraphe (1) est réputée avoir été un associé à l'époque en cause, à moins qu'elle ne présente une défense séparée à l'instance et dans laquelle elle nie avoir été un associé à cette époque.

**Divulgence des associés**

**5.04 (1)** Si une instance est introduite par ou contre une société en nom collectif sous sa raison sociale, une autre partie peut lui signifier un avis requérant la divulgation immédiate et par écrit des noms et adresses de tous les associés qui formaient la société à l'époque précisée dans l'avis; si l'adresse actuelle d'un associé est inconnue, la société divulgue sa dernière adresse connue.

(2) Si une société en nom collectif ne se conforme pas à l'avis prévu du paragraphe (1), sa demande peut être rejetée, sa défense peut être radulée ou un sursis d'instance peut être ordonné.

**Exécution forcée**

**5.05 (1)** L'ordonnance rendue contre une société en nom collectif sous sa raison sociale est exécutoire contre les biens de la société.

(2) L'ordonnance rendue contre une société en nom collectif sous sa raison sociale est aussi exécutoire, si l'ordonnance ou une ordonnance subséquente le prévoit, contre la personne qui a reçu signification conformément à la règle 5.03 et qui, selon le cas :

- a) est réputée, en vertu de cette règle, avoir été un associé à l'époque en cause;
- b) a admis qu'elle était un associé à cette époque;
- c) a été reconnue en justice comme ayant été un associé à cette époque.

**Contre la personne qui n'a pas reçu signification en qualité de prétendu associé**

(3) La partie ayant obtenu une ordonnance contre une société en nom collectif sous sa raison sociale qui prétend avoir le droit de l'exécuter contre un prétendu associé, autre qu'une personne qui a reçu signification conformément à la règle 5.03, peut demander au juge, par voie de motion, l'autorisation de ce faire; le juge peut lui accorder cette autorisation si la responsabilité de la personne en qualité d'associé n'est pas contestée ou, dans le cas contraire, après que cette responsabilité a été établie comme l'ordonne le juge.

**Sole Proprietorships**

**5.06** (1) If a person carries on business in a business name other than his or her own name, a proceeding may be commenced by or against the person using the business name.

(2) Rules 5.01 to 5.05 apply, with necessary modifications, to a proceeding by or against a sole proprietor using a business name, as though the sole proprietor were a partner and the business name were the firm name of a partnership.

**RULE 6 FORUM AND JURISDICTION**

**6.01** (1) An action shall be commenced and tried,

(a) in the territorial division,

(i) in which the cause of action arose, or

(ii) in which the defendant or, if there are several defendants, in which any one of them resides or carries on business; or

(b) at the court's place of sitting that is nearest to the place where the defendant or, if there are several defendants, where any one of them resides or carries on business.

(2) If the court is satisfied that the balance of convenience substantially favours holding the trial of an action at another place than those described in subrule (1), the court may order that the action be tried at that other place.

**6.02** A cause of action shall not be divided into two or more actions for the purpose of bringing it within the court's jurisdiction.

**6.03** If, when an action is called for trial, the trial judge finds that the territorial division where he or she sits is not the proper place of trial, the action shall be tried in a place described in subclause 6.01 (1) (a) (i) or clause 6.01 (1) (b), unless the judge orders otherwise under subrule 6.01 (2).

**RULE 7 COMMENCEMENT OF PROCEEDINGS****Plaintiff's Claim**

**7.01** (1) An action shall be commenced by filing a plaintiff's claim (Form 7A) with the clerk, together with a copy of the claim for each defendant.

**Contents of Claim**

(2) The claim shall contain, in concise and non-technical language, the following information:

1. The full names of the parties to the proceeding and, if relevant, the capacity in which they sue or are sued.
2. The nature of the claim, with reasonable certainty and detail, including the date, place and nature of the occurrences on which the claim is based.
3. The amount of the claim and the relief requested.
4. The name, address and telephone number, and fax number if any, of the lawyer or agent representing the plaintiff or, if the plaintiff is unrepresented, the plaintiff's address and telephone number, and fax number if any.
5. The address where the plaintiff believes the defendant may be served.

**If Claim Based on Document**

**7.02** If the plaintiff's claim is based in whole or in part on a document, a copy of the document shall be attached to each copy of the

**Entreprises à propriétaire unique**

**5.06** (1) Une instance introduite par ou contre une personne qui exploite une entreprise sous un nom commercial qui n'est pas son propre nom peut l'être sous ce nom commercial.

(2) Les règles 5.01 à 5.05 s'appliquent, avec les adaptations nécessaires, à l'instance introduite par ou contre un propriétaire unique sous un nom commercial, comme s'il était un associé et que le nom commercial était la raison sociale d'une société en nom collectif.

**RÈGLE 6 LIEU D'AUDITION DE L'ACTION ET COMPÉTENCE**

**6.01** (1) L'action est introduite et instruite :

a) soit dans la division territoriale où, selon le cas :

(i) la cause d'action a pris naissance,

(ii) le défendeur ou, s'il y a plusieurs défendeurs, l'un d'eux réside ou exploite une entreprise;

b) soit à l'endroit où siège le tribunal qui est le plus près de l'endroit où le défendeur ou, s'il y a plusieurs défendeurs, l'un d'eux réside ou exploite une entreprise.

(2) Si le tribunal est convaincu qu'il est nettement préférable, pour plus de commodité, que l'instruction d'une action ait lieu à un endroit autre que ceux définis au paragraphe (1), il peut ordonner que l'action soit instruite à cet endroit.

**6.02** La cause d'action ne peut être divisée en deux actions ou plus afin de permettre qu'elle relève de la compétence du tribunal.

**6.03** Lorsqu'une action est appelée à l'instruction, si le juge qui préside conclut que la division territoriale où il siège n'est pas le lieu approprié pour l'instruction, l'action est instruite à un endroit visé au sous-alinéa 6.01 (1) a) (i) ou à l'alinéa 6.01 (1) b), sauf si le juge rend une ordonnance contraire en vertu du paragraphe 6.01 (2).

**RÈGLE 7 INTRODUCTION DE L'INSTANCE****Demande du demandeur**

**7.01** (1) L'action est introduite par le dépôt d'une demande du demandeur (formule 7A) auprès du greffier, accompagnée d'une copie de celle-ci à l'intention de chaque défendeur.

**Contenu de la demande**

(2) La demande comprend les renseignements suivants, fournis en langage concis et court :

1. Les nom et prénoms des parties à l'instance et, si cela est pertinent, la qualité en laquelle elles sont parties à l'instance.
2. La nature de la demande, avec une certitude et une précision suffisantes, y compris la date, le lieu et la nature des événements qui fondent la demande.
3. Le montant de la demande et la mesure de redressement demandée.
4. Les nom, adresse et numéro de téléphone, ainsi que le numéro de télécopieur, le cas échéant, de l'avocat ou du mandataire représentant le demandeur ou, si celui-ci n'est pas représenté, son adresse et son numéro de téléphone, ainsi que son numéro de télécopieur, le cas échéant.
5. L'adresse à laquelle, selon le demandeur, la signification peut être faite au défendeur.

**Cas où la demande est fondée sur un document**

**7.02** Si la demande du demandeur est fondée en tout ou en partie sur un document, une copie du document est annexée à chaque copie de la demande, sauf s'il est perdu ou n'est pas disponible pour une autre



claim, unless it is lost or is unavailable for some other reason, in which case the claim shall state the reason why the document is not attached.

#### **Issuing Claim**

7.03 (1) On receiving the plaintiff's claim, the clerk shall immediately issue it by dating, signing and sealing it and assigning it a court file number.

(2) The original of the claim shall remain in the court file and the copies shall be given to the plaintiff for service on the defendant.

### **RULE 8 SERVICE**

#### **Service of Particular Documents Plaintiff's or Defendant's Claim**

8.01 (1) A plaintiff's claim or defendant's claim (Form 7A or 10A) shall be served personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03.

#### **Time for Service of Claim**

(2) A claim shall be served within six months after the date it is issued, but the court may extend the time for service, before or after the six months has elapsed.

#### **Defence**

(3) A defence shall be served by the clerk, by mail or by fax.

#### **Notice of Default Judgment**

(4) A notice of default judgment (Form 11A) shall be served by the clerk, by mail, on all parties named in the claim.

#### **Summons to Witness**

(5) A summons to witness (Form 18A) shall be served personally by the party who requires the presence of the witness, or by the party's lawyer or agent; at the time of service, attendance money in accordance with the tariff shall be paid or tendered to the witness.

#### **Notice of Garnishment**

(6) A notice of garnishment (Form 20E) shall be served by the creditor,

(a) on the debtor, by mail, personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03; and

(b) on the garnishee, by mail, personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03.

#### **Notice of Judgment Debtor Examination**

(7) A notice of examination of a judgment debtor (Form 20H) may be served by the creditor by mail, personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03.

(8) The notice shall be served at least 30 days before the date fixed for the examination.

#### **Notice of Contempt Hearing**

(9) A notice of a contempt hearing (Form 20I) shall be served by the creditor on the debtor personally as provided in rule 8.02.

#### **Other Documents**

(10) A document not referred to in subrules (1) to (9) may be served by mail, by fax, personally as provided in rule 8.02 or by an alternative to personal service as provided in rule 8.03, unless the court orders otherwise.

raison, auquel cas la demande précise la raison pour laquelle le document n'est pas annexé.

#### **Délivrance de la demande**

7.03 (1) À la réception de la demande du demandeur, le greffier la délivre immédiatement en la datant, la signant, la scellant et lui attribuant un numéro de dossier du tribunal.

(2) L'original de la demande reste dans le dossier du tribunal, les copies étant remises au demandeur aux fins de signification au défendeur.

### **RÈGLE 8 SIGNIFICATION**

#### **Signification de documents particuliers Demande du demandeur ou du défendeur**

8.01 (1) La demande du demandeur ou la demande du défendeur (formule 7A ou 10A) est signifiée à personne conformément à la règle 8.02 ou selon un des autres modes de signification directe prévus à la règle 8.03.

#### **Délai de signification d'une demande**

(2) Une demande est signifiée dans les six mois suivant la date de sa délivrance. Le tribunal peut cependant proroger le délai de signification, avant ou après la fin de ce délai.

#### **Défense**

(3) Le greffier signifie une défense par la poste ou par télécopie.

#### **Avis de jugement par défaut**

(4) Le greffier signifie, par la poste, un avis de jugement par défaut (formule 11A) à toutes les parties nommées dans la demande.

#### **Assignment de témoin**

(5) Une assignation de témoin (formule 18A) est signifiée à personne par la partie qui veut appeler un témoin ou par son avocat ou son mandataire. L'indemnité de présence, calculée conformément au tarif, lui est versée ou offerte au moment de la signification.

#### **Avis de saisie-arrêt**

(6) Un avis de saisie-arrêt (formule 20E) est signifié par le créancier :

a) d'une part, au débiteur, par la poste ou à personne conformément à la règle 8.02 ou selon un autre mode de signification directe prévu à la règle 8.03;

b) d'autre part, au tiers saisi, par la poste ou à personne conformément à la règle 8.02 ou selon un autre mode de signification directe prévu à la règle 8.03.

#### **Avis d'interrogatoire d'un débiteur en vertu d'un jugement**

(7) Un avis d'interrogatoire d'un débiteur en vertu d'un jugement (formule 20H) peut être signifié par le créancier, par la poste ou à personne conformément à la règle 8.02 ou selon un autre mode de signification directe prévu à la règle 8.03.

(8) L'avis est signifié au moins 30 jours avant la date fixée pour l'interrogatoire.

#### **Avis d'audience pour outrage**

(9) Un avis d'audience pour outrage (formule 20I) est signifié à personne au débiteur par le créancier, conformément à la règle 8.02.

#### **Autres documents**

(10) Sauf ordonnance contraire du tribunal, les documents qui ne sont pas visés aux paragraphes (1) à (9) peuvent être signifiés par la poste, par télécopie, à personne conformément à la règle 8.02 ou selon un autre mode de signification directe prévu à la règle 8.03.



**Personal Service**

**8.02** If a document is to be served personally, service shall be made,

**Individual**

- (a) on an individual, other than a person under disability, by leaving a copy of the document with him or her;

**Municipality**

- (b) on a municipal corporation, by leaving a copy of the document with the chair, mayor, warden or reeve of the municipality, with the clerk or deputy clerk of the municipality or with a lawyer for the municipality;

**Corporation**

- (c) on any other corporation, by leaving a copy of the document with an officer, director or agent of the corporation, or with a person at any place of business of the corporation who appears to be in control or management of the place of business;

**Board or Commission**

- (d) on a board or commission, by leaving a copy of the document with a member or officer of the board or commission;

**Person Outside Ontario Carrying on Business in Ontario**

- (e) on a person outside Ontario who carries on business in Ontario, by leaving a copy of the document with anyone carrying on business in Ontario for the person;

**Crown in Right of Canada**

- (f) on Her Majesty the Queen in right of Canada, in accordance with subsection 23 (2) of the *Crown Liability and Proceedings Act* (Canada);

**Crown in Right of Ontario**

- (g) on Her Majesty the Queen in right of Ontario, in accordance with section 10 of the *Proceedings Against the Crown Act*;

**Absentee**

- (h) on an absentee, by leaving a copy of the document with the absentee's committee, if one has been appointed or, if not, with the Public Guardian and Trustee;

**Minor**

- (i) on a minor, by leaving a copy of the document with the minor and, if the minor resides with a parent or other person having his or her care or lawful custody, by leaving another copy of the document with the parent or other person;

**Mentally Incapable Person**

- (j) on a mentally incapable person,
- (i) if there is a guardian or an attorney acting under a validated power of attorney for personal care with authority to act in the proceeding, by leaving a copy of the document with the guardian or attorney,
  - (ii) if there is no guardian or attorney acting under a validated power of attorney for personal care with authority to act in the proceeding but there is an attorney under a power of attorney with authority to act in the proceeding, by leaving a copy of the document with the attorney and leaving an additional copy with the person,

**Signification à personne**

**8.02** Le document qui doit être signifié à personne l'est comme suit :

**Particuliers**

- a) s'il s'agit d'un particulier, à l'exception d'un incapable, en lui laissant une copie du document;

**Municipalité**

- b) s'il s'agit d'une municipalité, en laissant une copie du document au président, au maire, au président du conseil de comté ou au préfet, au secrétaire ou au secrétaire-adjoint de la municipalité, ou à un avocat la représentant;

**Personnes morales**

- c) s'il s'agit d'une autre personne morale, en laissant une copie du document à un dirigeant, à un administrateur ou à un mandataire de celle-ci ou à une personne à un établissement de la personne morale qui paraît en assumer la direction;

**Conseil ou commission**

- d) s'il s'agit d'un conseil ou d'une commission, en laissant une copie du document à un dirigeant ou à un membre du conseil ou de la commission;

**Personne qui ne se trouve pas en Ontario mais qui y exploite une entreprise**

- e) s'il s'agit d'une personne qui ne se trouve pas en Ontario mais qui y exploite une entreprise, en laissant une copie du document à quiconque exploite, en Ontario, une entreprise pour le compte de cette personne;

**Couronne du chef du Canada**

- f) s'il s'agit de Sa Majesté la Reine du chef du Canada, conformément au paragraphe 23 (2) de la *Loi sur la responsabilité civile de l'État et le contentieux administratif* (Canada);

**Couronne du chef de l'Ontario**

- g) s'il s'agit de Sa Majesté la Reine du chef de l'Ontario, conformément à l'article 10 de la *Loi sur les instances introduites contre la Couronne*;

**Absents**

- h) s'il s'agit d'un absent, en laissant une copie du document à son curateur ou, à défaut, au Tuteur et curateur public;

**Mineurs**

- i) s'il s'agit d'un mineur, en lui laissant une copie du document et, s'il réside avec son père ou sa mère ou avec une personne qui en a la charge ou la garde légitime, en en laissant une autre copie au père ou à la mère ou à cette autre personne;

**Incapables mentaux**

- j) s'il s'agit d'un incapable mental :
- (i) qui a un tuteur habilité à agir dans l'instance ou un procureur qui agit en vertu d'une procuration validée relative au soin de la personne et qui est ainsi habilité, en laissant une copie du document au tuteur ou au procureur,
  - (ii) qui n'a ni tuteur habilité à agir dans l'instance ni procureur qui agit en vertu d'une procuration validée relative au soin de la personne et qui est ainsi habilité, mais qui a un procureur constitué en vertu d'une procuration qui y est habilité, en laissant une copie du document au procureur et une copie supplémentaire à l'incapable,

- (iii) if there is neither a guardian nor an attorney with authority to act in the proceeding, by leaving a copy of the document bearing the person's name and address with the Public Guardian and Trustee and leaving an additional copy with the person;

#### **Partnership**

- (k) on a partnership, by leaving a copy of the document with any one or more of the partners or with a person at the principal place of business of the partnership who appears to be in control or management of the place of business; and

#### **Sole Proprietorship**

- (l) on a sole proprietorship, by leaving a copy of the document with the sole proprietor or with a person at the principal place of business of the sole proprietorship who appears to be in control or management of the place of business.

#### **Alternatives to Personal Service**

**8.03** (1) If a document is to be served by an alternative to personal service, service shall be made in accordance with subrule (2), (3) or (5); in the case of a plaintiff's claim or defendant's claim, service may also be made in accordance with subrule (7).

#### **At Place of Residence**

(2) If an attempt is made to effect personal service at a person's place of residence and for any reason personal service cannot be effected, the document may be served by,

- (a) leaving a copy in a sealed envelope addressed to the person at the place of residence with anyone who appears to be an adult member of the same household; and
- (b) on the same day or the following day, mailing another copy of the document to the person at the place of residence.

#### **Corporation**

(3) If the head office or principal place of business of a corporation or, in the case of an extra-provincial corporation, the attorney for service in Ontario cannot be found at the last address recorded with the Ministry of Consumer and Commercial Relations, service may be made on the corporation by mailing a copy of the document to the corporation or to the attorney for service in Ontario, as the case may be, at that address.

#### **When Effective**

(4) Service made under subrule (2) or (3) is effective on the fifth day after the document is mailed.

#### **Acceptance of Service by Lawyer**

(5) Service on a party who is represented by a lawyer may be made by leaving a copy of the document with the lawyer or an employee in the lawyer's office, but service under this subrule is effective only if the lawyer or employee endorses on the document or a copy of it an acceptance of service and the date of the acceptance.

(6) By accepting service the lawyer is deemed to represent to the court that he or she has the client's authority to accept service.

#### **Service of Claim by Mail to Last Known Address**

(7) Service of a plaintiff's claim or defendant's claim may be made by sending a copy of it by mail, in an envelope showing the sender's return address, to the last known address of the person to be served.

- (iii) qui n'a ni tuteur ni procureur habilité à agir dans l'instance, en laissant une copie du document portant le nom et l'adresse de l'incapable au Tuteur et curateur public et une copie supplémentaire à l'incapable;

#### **Sociétés en nom collectif**

- k) s'il s'agit d'une société en nom collectif, en laissant une copie du document à un ou à plusieurs associés ou à une personne au principal établissement de la société qui paraît en assumer la direction;

#### **Entreprises à propriétaire unique**

- l) s'il s'agit d'une entreprise à propriétaire unique, en laissant une copie du document au propriétaire ou à une personne au principal établissement de l'entreprise qui paraît en assumer la direction.

#### **Autres modes de signification directe**

**8.03** (1) Si un document est signifié selon un autre mode de signification directe, la signification se fait conformément au paragraphe (2), (3) ou (5); s'il s'agit de la demande du demandeur ou de la demande du défendeur, la signification peut également se faire conformément au paragraphe (7).

#### **À domicile**

(2) Si une tentative de signification à personne à domicile échoue pour quelque raison que ce soit, le document peut être signifié à la fois :

- a) d'une part, en laissant une copie à son domicile, dans une enveloppe scellée adressée au destinataire, à une personne qui paraît majeure et qui semble habiter sous le même toit que lui;
- b) d'autre part, en envoyant par la poste, le jour même ou le lendemain, une autre copie du document au domicile du destinataire.

#### **Personne morale**

(3) Si le siège social ou le principal établissement d'une personne morale ou, s'il s'agit d'une personne morale extraprovinciale, son fondé de pouvoir aux fins de signification en Ontario, ne se trouve pas à la dernière adresse figurant dans les dossiers du ministère de la Consommation et du Commerce, la signification peut se faire en envoyant par la poste une copie du document à la personne morale ou à son fondé de pouvoir aux fins de signification en Ontario, selon le cas, à cette adresse.

#### **Validité de la signification**

(4) La signification faite aux termes du paragraphe (2) ou (3) est valide dès le cinquième jour suivant l'envoi par la poste du document.

#### **Acceptation de la signification par l'avocat**

(5) Un document peut être signifié à une partie qui est représentée par un avocat en laissant une copie du document à l'avocat ou à un employé de son bureau. La signification faite conformément au présent paragraphe n'est valide que si l'avocat ou l'employé inscrit, sur le document ou une copie de celui-ci, qu'il accepte la signification et indique la date de l'acceptation.

(6) En acceptant la signification, l'avocat est réputé déclarer au tribunal que son client l'a autorisé à ce faire.

#### **Signification d'une demande par la poste à la dernière adresse connue**

(7) La demande du demandeur ou la demande du défendeur peut être signifiée en envoyant une copie par la poste, dans une enveloppe portant l'adresse de l'expéditeur, à la dernière adresse connue du destinataire.

(8) Service under subrule (7) is deemed to have been effected on the 20th day after the date of mailing if an affidavit of service (Form 8B),

- (a) indicates that the deponent believes the address to which the claim is sent to be the last known address of the person to be served, and states the reasons for the belief;
- (b) indicates that the claim has not been returned to the deponent; and
- (c) indicates that the deponent has no reason to believe that the person to be served did not receive the claim.

(9) The affidavit of service shall not be completed before the day referred to in subsection (8).

#### **Substituted Service**

**8.04** If it is shown that it is impractical to effect prompt service of a claim personally or by an alternative to personal service, the court may allow substituted service.

#### **Service Outside Ontario**

**8.05** If the defendant is outside Ontario, the court may allow as costs of the action the costs reasonably incurred in effecting service of the claim on the defendant there.

#### **Proof of Service**

**8.06** The following constitute proof of service of a document:

- 1. If the document was served by a bailiff or bailiff's officer, a certificate of service (Form 8A) endorsed on a copy of the document.
- 2. In all other cases, an affidavit of service (Form 8B) made by the person effecting the service.

#### **Service by Mail**

**8.07** (1) If a document is to be sent by mail under these rules, it shall be sent, by regular lettermail or registered mail, to the last address of the person or of the person's lawyer or agent that is,

- (a) on file with the court, if the document is to be served by the clerk;
- (b) known to the sender, if the document is to be served by any other person.

#### **When Effective**

(2) Service of a document by mail is deemed to be effective on the fifth day following the date of mailing.

#### **Exception**

(3) Subrule (2) does not apply when a claim is served by mail under subrule 8.03 (7).

#### **Service by Fax**

**8.08** (1) Service of a document by fax is deemed to be effective,

- (a) on the day of transmission, if transmission takes place before 5 p.m. on a day that is not a holiday;
- (b) on the next day that is not a holiday, in any other case.

(2) A document containing 16 or more pages, including the cover page and the backsheet, may be served by fax only between 5 p.m. and 8 a.m. the following day, unless the party to be served consents in advance.

(8) La signification faite en vertu du paragraphe (7) est réputée avoir été effectuée le 20<sup>e</sup> jour suivant la date de la mise à la poste si un affidavit de signification (formule 8B) :

- a) indique que le déposant croit que l'adresse à laquelle la demande est envoyée est la dernière adresse connue du destinataire et précise les motifs pour lesquels il le croit;
- b) indique que la demande n'a pas été retournée au déposant;
- c) indique que le déposant n'a aucun motif de croire que le destinataire n'a pas reçu la demande.

(9) L'affidavit de signification ne doit pas être établi avant le jour visé au paragraphe (8).

#### **Signification indirecte**

**8.04** S'il est démontré qu'il est difficile de signifier sans délai une demande par voie de signification à personne ou selon un autre mode de signification directe, le tribunal peut permettre la signification indirecte.

#### **Signification à l'extérieur de l'Ontario**

**8.05** Si le défendeur ne se trouve pas en Ontario, le tribunal peut permettre au titre des dépens de l'action les frais raisonnablement engagés pour effectuer la signification au défendeur là où il se trouve.

#### **Preuve de la signification**

**8.06** Les pièces suivantes constituent la preuve de la signification d'un document :

- 1. Si le document a été signifié par l'huissier ou son représentant, un certificat de signification (formule 8A) figurant sur une copie du document.
- 2. Dans tous les autres cas, un affidavit de signification (formule 8B) établi par la personne qui a effectué la signification.

#### **Signification par la poste**

**8.07** (1) La signification d'un document par la poste conformément aux présentes règles est faite, par courrier ordinaire ou recommandé, à la dernière adresse de la personne ou de son avocat ou mandataire :

- a) qui figure dans les dossiers du tribunal, si le document doit être signifié par le greffier;
- b) qui est connue de l'expéditeur, si le document doit être signifié par une autre personne.

#### **Validité de la signification**

(2) La signification d'un document par la poste est réputée valide dès le cinquième jour suivant le jour de sa mise à la poste.

#### **Exception**

(3) Le paragraphe (2) ne s'applique pas lorsqu'une demande est signifiée par la poste en vertu du paragraphe 8.03 (7).

#### **Signification par télécopie**

**8.08** (1) La signification d'un document par télécopie est réputée valide dès :

- a) le jour de la transmission, si celle-ci a lieu avant 17 h un jour qui n'est pas un jour férié;
- b) le jour suivant qui n'est pas un jour férié, dans tous les autres cas.

(2) Un document de 16 pages ou plus, y compris la page couverture et la feuille arrière, ne peut être signifié par télécopie qu'entre 17 h et 8 h, sauf si la partie destinataire consent au préalable à la signification à d'autres heures.

**Failure to Receive Document**

8.09 A person who has been served or who is deemed to have been served with a document in accordance with these rules is nevertheless entitled to show, on a motion to set aside the consequences of default, on a motion for an extension of time or in support of a request for an adjournment, that the document,

- (a) did not come to the person's notice; or
- (b) came to the person's notice only at some time later than when it was served or is deemed to have been served.

**RULE 9 DEFENCE****Defence**

9.01 (1) A defendant who wishes to dispute a plaintiff's claim shall file a defence (Form 9A), with a copy for every plaintiff, with the clerk within 20 days of being served with the claim.

(2) On receiving the defence, the clerk shall serve it as described in subrule 8.01 (3).

**Contents of Defence**

9.02 (1) A defence shall contain the following information:

- 1. The reasons why the defendant disputes the plaintiff's claim, expressed in concise non-technical language with a reasonable amount of detail.
- 2. The defendant's name, address and telephone number, and fax number if any.
- 3. If the defendant is represented by a lawyer or agent, that person's name, address and telephone number, and fax number if any.

**If Defence Based on Document**

(2) If the defence is based in whole or in part on a document, a copy of the document shall be attached to each copy of the defence, unless it is lost or is unavailable for some other reason, in which case the defence shall state the reason why the document is not attached.

**Admission of Liability and Proposal of Terms of Payment**

9.03 (1) A defendant who admits liability for all or part of the plaintiff's claim but wishes to arrange terms of payment may in the defence admit liability and propose terms of payment.

**Where No Dispute**

(2) If the plaintiff does not dispute the proposal within the 20-day period referred to in subsection (3),

- (a) the defendant shall make payment in accordance with the proposal as if it were a court order;
- (b) in case of failure to make payment in accordance with the proposal, the clerk shall sign judgment for the unpaid balance of the undisputed amount on the filing of an affidavit by the plaintiff swearing to the default and stating the amount paid and the unpaid balance.

**Dispute**

(3) The plaintiff may dispute the proposal within 20 days after service of the defence by filing with the clerk and serving on the defendant a request for a hearing (Form 9B) before a referee or other person appointed by the court.

**Non-réception du document**

8.09 La personne qui a reçu ou est réputée avoir reçu signification d'un document conformément aux présentes règles a néanmoins le droit d'établir, dans le cadre d'une motion en vue d'être relevée du défaut, d'une motion en ajournement de l'instance ou d'une motion en prorogation du délai :

- a) soit qu'elle n'en a pas pris connaissance;
- b) soit qu'elle n'en a pris connaissance qu'à une date postérieure à la date à laquelle le document lui a été signifié ou est réputé le lui avoir été.

**RÈGLE 9 DÉFENSE****Défense**

9.01 (1) Le défendeur qui souhaite contester la demande du demandeur dépose auprès du greffier, dans les 20 jours suivant la signification de la demande, une défense (formule 9A), accompagnée d'une copie de celle-ci à l'intention de chacun des demandeurs.

(2) À la réception de la défense, le greffier la signifie conformément au paragraphe 8.01 (3).

**Contenu de la défense**

9.02 (1) La défense comprend les renseignements suivants :

- 1. L'exposé des motifs pour lesquels le défendeur conteste la demande du demandeur, présenté dans un langage concis et courant, avec des précisions suffisantes.
- 2. Les nom, adresse et numéro de téléphone, ainsi que le numéro de télécopieur, le cas échéant, du défendeur.
- 3. Si le défendeur est représenté par un avocat ou un mandataire, les nom, adresse et numéro de téléphone, ainsi que le numéro de télécopieur, le cas échéant, de celui-ci.

**Cas où la défense est fondée sur un document**

(2) Si la défense est fondée, en tout ou en partie, sur un document, une copie du document est annexée à chaque copie de la défense, sauf s'il a été perdu ou n'est pas disponible pour une autre raison, auquel cas la défense précise la raison pour laquelle le document n'est pas annexé.

**Reconnaissance de responsabilité et proposition à l'égard des modalités de paiement**

9.03 (1) Le défendeur qui reconnaît être redevable de la totalité ou d'une partie de la demande du demandeur mais qui souhaite régler les modalités de paiement peut, dans sa défense, reconnaître sa responsabilité et proposer des modalités de paiement.

**Non-contestation**

(2) Si le demandeur ne conteste pas la proposition dans le délai de 20 jours visé au paragraphe (3) :

- a) le défendeur effectue les paiements conformément à la proposition comme s'il s'agissait d'une ordonnance du tribunal;
- b) si les paiements ne sont pas effectués conformément à la proposition, le greffier consigne un jugement relativement au solde impayé après le dépôt d'un affidavit par le demandeur dans lequel celui-ci jure que le défendeur est en défaut et précise le montant acquitté et le solde impayé.

**Contestation**

(3) Le demandeur peut contester la proposition dans les 20 jours suivant la signification de la défense en déposant auprès du greffier et en signifiant au défendeur une demande d'audience (formule 9B) devant un arbitre ou une autre personne que nomme le tribunal.

(4) The clerk shall fix a time for the hearing, allowing for a reasonable notice period after the date the request is served, and serve a notice of hearing on the parties.

#### **Order**

(5) On the hearing, the referee or other person may make an order (Form 9C) as to terms of payment by the defendant.

#### **Failure to Appear, Default Judgment**

(6) If the defendant does not appear at the hearing, the clerk may sign default judgment against the defendant for the part of the claim that has been admitted and shall mail a notice of default judgment (Form 11A) to the defendant immediately.

#### **Failure to Make Payments**

(7) Unless the referee or other person specifies otherwise in the order as to terms of payment, if the defendant fails to make payment in accordance with the order, the clerk shall sign judgment for the unpaid balance on the filing of an affidavit by the plaintiff swearing to the default and stating the amount paid and the unpaid balance.

### **RULE 10 DEFENDANT'S CLAIM**

#### **Defendant's Claim**

**10.01** (1) A defendant may make a claim,

- (a) against the plaintiff;
- (b) against any other person,
  - (i) arising out of the transaction or occurrence relied upon by the plaintiff, or
  - (ii) related to the plaintiff's claim; or
- (c) against the plaintiff and against another person in accordance with clause (b).

(2) The defendant's claim shall be in Form 10A and may be issued when a defence is filed or at any time afterwards before trial or default judgment.

#### **Copies**

(3) The defendant shall provide a copy of the claim to the court.

#### **Contents of Claim**

- (4) The claim shall contain the following information:
1. The names of the parties to the plaintiff's claim and to the defendant's claim and, if relevant, the capacity in which they sue or are sued.
  2. The nature of the claim, expressed in concise non-technical language with a reasonable amount of detail, including the date, place and nature of the occurrences on which the claim is based.
  3. The amount of the claim and the relief requested.
  4. The defendant's name, address and telephone number, and fax number if any.
  5. If the defendant is represented by a lawyer or agent, that person's name, address and telephone number, and fax number if any.
  6. The address where the defendant believes each person against whom the claim is made may be served.

(4) Le greffier fixe l'heure et la date de l'audience, en prévoyant un délai de préavis suffisant après la date de signification de la demande, et signifie aux parties un avis d'audience.

#### **Ordonnance**

(5) Lors de l'audience, l'arbitre ou l'autre personne peut rendre une ordonnance (formule 9C) relative aux modalités de paiement applicables au défendeur.

#### **Défaut de se présenter : jugement par défaut**

(6) Si le défendeur ne se présente pas à l'audience, le greffier peut consigner contre lui un jugement par défaut relativement à la partie de la demande dont il a reconnu être redevable et lui envoie immédiatement un avis de jugement par défaut (formule 11A).

#### **Défaut de paiement**

(7) Sauf indication contraire de l'arbitre ou de l'autre personne dans l'ordonnance relative aux modalités de paiement, si le défendeur n'effectue pas les paiements conformément à l'ordonnance, le greffier consigne un jugement relativement au solde impayé après le dépôt d'un affidavit par le demandeur dans lequel celui-ci jure que le défendeur est en défaut et précise le montant acquitté et le solde impayé.

### **RÈGLE 10 DEMANDE DU DÉFENDEUR**

#### **Demande du défendeur**

**10.01** (1) Le défendeur peut présenter une demande :

- a) soit contre le demandeur;
- b) soit contre toute autre personne :
  - (i) si la demande découle de l'opération ou de l'événement sur lequel se fonde le demandeur,
  - (ii) si la demande se rapporte à la demande du demandeur;
- c) soit contre le demandeur et contre toute autre personne conformément à l'alinéa b).

(2) La demande du défendeur est rédigée selon la formule 10A et peut être délivrée lors du dépôt d'une défense ou en tout temps par la suite mais avant le procès ou le jugement par défaut.

#### **Copies**

(3) Le défendeur fournit une copie de la demande au tribunal.

#### **Contenu de la demande**

- (4) La demande comprend les renseignements suivants :
1. Le nom des parties à la demande du demandeur et à la demande du défendeur et, si cela est pertinent, la qualité en laquelle elles sont parties à l'instance.
  2. La nature de la demande, en langage concis et courant, avec des précisions suffisantes, y compris la date, le lieu et la nature des événements qui fondent la demande.
  3. Le montant de la demande et la mesure de redressement demandée.
  4. Les nom, adresse et numéro de téléphone, ainsi que le numéro de télécopieur, le cas échéant, du défendeur.
  5. Si le défendeur est représenté par un avocat ou un mandataire, les nom, adresse et numéro de téléphone, ainsi que le numéro de télécopieur, le cas échéant, de celui-ci.
  6. L'adresse à laquelle, selon le défendeur, la signification peut être faite à chaque personne contre qui la demande est présentée.

**If Claim Based on Document**

(5) If the claim is based in whole or in part on a document, a copy of the document shall be attached to each copy of the claim, unless it is lost or is unavailable for some other reason, in which case the claim shall state the reason why the document is not attached.

**Issuance**

(6) On receiving the claim, the clerk shall immediately issue it by dating, signing and sealing it, shall assign it the same court file number as the plaintiff's claim and shall place the original in the court file.

**Service**

**10.02** A defendant's claim shall be served by the defendant on every person against whom it is made, in accordance with subrules 8.01 (1) and (2).

**Defence to Defendant's Claim**

**10.03** (1) A party who wishes to dispute the defendant's claim may, within 20 days after service, file a defence (Form 9A) with the clerk, together with a copy for each of the other parties or persons against whom the defendant's or plaintiff's claim is made.

(2) On receiving the defence to a defendant's claim, the clerk shall place the original in the court file and shall serve a copy on each party in accordance with subrule 8.01 (3).

**Defendant's Claim to be Tried with Main Action**

**10.04** (1) A defendant's claim shall be tried and disposed of at the trial of the action, unless the court orders otherwise.

**Exception**

(2) If it appears that a defendant's claim may unduly complicate or delay the trial of the action or cause undue prejudice to a party, the court may order separate trials or direct that the defendant's claim proceed as a separate action.

**Rights of Third Party**

(3) If the defendant alleges, in a defendant's claim, that a third party is liable to the defendant for all or part of the plaintiff's claim in the action, the third party may at the trial contest the defendant's liability to the plaintiff.

**Application of Rules to Defendant's Claim**

**10.05** (1) These rules apply, with necessary modifications, to a defendant's claim as if it were a plaintiff's claim, and to a defence to a defendant's claim as if it were a defence to a plaintiff's claim.

**Exception**

(2) However, when a person against whom a defendant's claim is made is noted in default, judgment against that person may be obtained only in accordance with rule 11.03.

**RULE 11 DEFAULT PROCEEDINGS****Noting Defendant in Default**

**11.01** (1) If a defendant fails to file a defence with the clerk within the prescribed time, the clerk may, when proof is filed that the claim was served within the territorial division, note the defendant in default.

**Service Outside Territorial Division**

(2) If all the defendants have been served outside the court's territorial division, the clerk shall not note any defendant in default until it is proved by an affidavit submitted to the clerk, or by evidence presented

**Cas où la demande est fondée sur un document**

(5) Si la demande est fondée, en tout ou en partie, sur un document, une copie du document est annexée à chaque copie de la demande, sauf s'il a été perdu ou n'est pas disponible pour une autre raison, auquel cas la demande précise la raison pour laquelle le document n'est pas annexé.

**Délivrance**

(6) À la réception de la demande, le greffier la délivre immédiatement en la datant, la signant et la scellant, lui attribue le même numéro de dossier du tribunal que celui de la demande du demandeur et verse l'original au dossier du tribunal.

**Signification**

**10.02** La demande du défendeur est signifiée par le défendeur à chaque personne contre qui elle est présentée conformément aux paragraphes 8.01 (1) et (2).

**Défense à la demande du défendeur**

**10.03** (1) La partie qui souhaite contester la demande du défendeur peut, dans les 20 jours suivant sa signification, déposer une défense (formule 9A) auprès du greffier, accompagnée d'une copie de celle-ci à l'intention de chacune des autres parties ou personnes contre qui est présentée la demande du défendeur ou celle du demandeur.

(2) À la réception de la défense à la demande du défendeur, le greffier verse l'original au dossier du tribunal et en signifie une copie à chaque partie conformément au paragraphe 8.01 (3).

**Instruction de la demande du défendeur avec l'action principale**

**10.04** (1) Sauf ordonnance contraire du tribunal, la demande du défendeur est instruite et décidée lors de l'instruction de l'action.

**Exception**

(2) Si la demande du défendeur paraît susceptible de compliquer ou de retarder indûment l'instruction de l'action ou de causer un préjudice indu à une partie, le tribunal peut ordonner des instructions distinctes ou ordonner que la demande du défendeur soit traitée comme une action distincte.

**Droits des tiers**

(3) Si, dans la demande d'un défendeur, le défendeur prétend qu'un tiers lui est redevable de la totalité ou d'une partie de la demande du demandeur dans l'action, le tiers peut, à l'instruction, contester la responsabilité du défendeur à l'égard du demandeur.

**Application des règles à la demande du défendeur**

**10.05** (1) Les présentes règles s'appliquent, avec les adaptations nécessaires, à la demande du défendeur comme s'il s'agissait de la demande du demandeur et à la défense à la demande du défendeur comme s'il s'agissait d'une défense à la demande du demandeur.

**Exception**

(2) Toutefois, lorsqu'une personne contre qui est présentée la demande du défendeur est constatée en défaut, un jugement contre cette personne ne peut être obtenu que conformément à la règle 11.03.

**RÈGLE 11 DÉFAUT****Constatation du défaut du défendeur**

**11.01** (1) Si le défendeur n'a pas déposé de défense auprès du greffier dans le délai fixé, le greffier peut, après le dépôt de la preuve de la signification de la demande dans la division territoriale, constater le défendeur en défaut.

**Signification en dehors de la division territoriale**

(2) Si tous les défendeurs ont reçu signification en dehors de la division territoriale du tribunal, le greffier ne constate le défaut d'aucun défendeur tant qu'il n'est pas établi au moyen d'un affidavit présenté au



before the judge, that the action was properly brought in that territorial division.

#### **Default Judgment, Plaintiff's Claim**

**11.02 (1)** If a defendant has been noted in default, the clerk may enter judgment in respect of a claim against the defendant for a debt or liquidated demand in money, including interest if claimed.

#### **Partial Defence**

(2) If a defence is filed in respect of part only of a claim to which subrule (1) applies, the clerk may note the party against whom the claim was made in default and enter default judgment in respect of the part for which no defence was filed.

(3) Entry of judgment under this rule does not affect the plaintiff's right to proceed on the remainder of the claim or against any other defendant for all or part of the claim.

#### **Notice of Default Judgment**

(4) A notice of default judgment (Form 11A) shall be served in accordance with subrule 8.01 (4).

#### **Default Judgment, Defendant's Claim**

**11.03** If a party against whom a defendant's claim is made has been noted in default, judgment may be obtained against the party only at trial or on motion.

#### **Trial when Defendant Noted in Default**

**11.04 (1)** If a defendant has been noted in default, the plaintiff shall proceed to trial in respect of any claim other than one referred to in subrule 11.02 (1), and the clerk shall, after noting the defendant in default, fix a trial date and send a notice of trial (Form 16A) to the plaintiff and any defendant who has filed a defence.

(2) At the trial, the plaintiff is not required to prove liability against a defendant noted in default, but is required to prove the amount of the claim.

#### **Consequences of Noting in Default**

**11.05 (1)** A defendant who has been noted in default shall not file a defence or take any other step in the proceeding, except bringing a motion under subrule 11.06 (1), without leave of the court or the plaintiff's consent.

(2) Any step in the proceeding may be taken without the consent of a defendant who has been noted in default; the defendant is not entitled to notice of any step in the proceeding and need not be served with any other document.

(3) Subrule (2) prevails over every other provision of these rules except rule 12.01 (amendment of claim or defence).

#### **Setting Aside Noting of Default or Entry of Default Judgment**

**11.06 (1)** On the motion of a party in default, the court may set aside the noting of default or entry of default judgment against the party on such terms as are just.

(2) If the written consent of the parties is filed, the clerk may set aside the noting of default or the entry of a default judgment.

### **RULE 12 AMENDMENT**

#### **Right to Amend**

**12.01 (1)** A plaintiff's or defendant's claim and a defence to a plaintiff's or defendant's claim may be amended by filing with the clerk

greffier, ou d'une preuve présentée devant le juge, que l'action a été intentée à bon droit dans cette division territoriale.

#### **Jugement par défaut : demande d'un demandeur**

**11.02 (1)** Si le défendeur a été constaté en défaut, le greffier peut inscrire un jugement à l'égard d'une demande présentée contre lui portant sur une créance ou une somme déterminée, y compris les intérêts si ceux-ci sont demandés.

#### **Défense partielle**

(2) Si une défense est déposée à l'égard d'une partie seulement d'une demande à laquelle s'applique le paragraphe (1), le greffier peut constater le défaut de la partie contre qui la demande a été présentée et inscrire un jugement par défaut en ce qui concerne la partie de la demande à l'égard de laquelle aucune défense n'a été déposée.

(3) L'inscription d'un jugement en vertu de la présente règle ne porte pas atteinte au droit du demandeur de poursuivre la demande à l'égard de ce qui reste ou contre tout autre défendeur pour la totalité ou une partie de la demande.

#### **Avis de jugement par défaut**

(4) L'avis de jugement par défaut (formule 11A) est signifié conformément au paragraphe 8.01 (4).

#### **Jugement par défaut : demande d'un défendeur**

**11.03** Si une partie contre qui est présentée la demande d'un défendeur a été constatée en défaut, un jugement ne peut être obtenu contre la partie qu'au procès ou sur motion.

#### **Procès en cas de constatation du défaut du défendeur**

**11.04 (1)** Si un défendeur a été constaté en défaut, le demandeur fait instruire toute demande, sauf une demande visée au paragraphe 11.02 (1). Après avoir constaté le défendeur en défaut, le greffier fixe la date du procès et envoie un avis de procès (formule 16A) au demandeur et au défendeur qui a déposé une défense.

(2) Au procès, le demandeur n'est pas tenu d'établir la responsabilité du défendeur constaté en défaut, mais il doit établir le montant de la demande.

#### **Conséquences de la constatation du défaut**

**11.05 (1)** Le défendeur qui a été constaté en défaut ne peut déposer de défense ni prendre d'autre mesure dans l'instance, si ce n'est présenter une motion visée au paragraphe 11.06 (1), sans l'autorisation du tribunal ou le consentement du demandeur.

(2) Toute mesure dans l'instance peut être prise sans le consentement d'un défendeur qui a été constaté en défaut. Celui-ci ne peut exiger d'être avisé des mesures prises dans l'instance ni de recevoir signification de tout autre document.

(3) Le paragraphe (2) l'emporte sur toute autre disposition des présentes règles, sauf la règle 12.01 (modification d'une demande ou d'une défense).

#### **Annulation de la constatation du défaut ou de l'inscription du jugement par défaut**

**11.06 (1)** Le tribunal peut, sur motion d'une partie en défaut, annuler la constatation du défaut ou l'inscription d'un jugement par défaut rendu contre cette partie, à des conditions justes.

(2) Si le consentement écrit des parties est déposé, le greffier peut annuler la constatation du défaut ou l'inscription du jugement par défaut.

### **RÈGLE 12 MODIFICATION**

#### **Droit d'apporter une modification**

**12.01 (1)** La demande d'un demandeur ou d'un défendeur et une défense à la demande d'un demandeur ou d'un défendeur peuvent être

a copy that is marked "Amended", in which any additions are underlined and any other changes are identified.

### *Service*

(2) The amended document shall be served by the party making the amendment on all parties, including any parties in default, in accordance with subrule 8.01 (10).

### *Time*

(3) Filing and service of the amended document shall take place at least 30 days before the trial, unless the court, on motion, allows a shorter notice period.

### *Service on Added Party*

(4) A person added as a party shall be served with the claim as amended, except that if the person is added as a party at trial, the court may dispense with service of the claim.

### *Striking Out or Amending Claim or Defence*

**12.02** (1) The court may strike out or amend a claim or defence or anything in a claim or defence on the ground that it,

- (a) discloses no reasonable cause of action or defence, as the case may be;
- (b) is scandalous, frivolous or vexatious;
- (c) may prejudice, embarrass or delay the fair trial of the action; or
- (d) is otherwise an abuse of the court's process.

(2) The court may order the action to be stayed or dismissed or judgment to be entered accordingly, or may impose such terms as are just.

## **RULE 13 PRE-TRIAL CONFERENCES**

### *Request For Pre-Trial Conference*

**13.01** (1) A party may request a pre-trial conference by filing a request for pre-trial conference (Form 13A) with the clerk.

(2) The court may, before or at the trial, in response to a request for pre-trial conference or on the court's own initiative, direct that a pre-trial conference be held before a judge or another person designated by the court.

(3) The clerk shall fix a time and place for the pre-trial conference and serve a notice of pre-trial conference on the parties.

### *Failure to Attend*

(4) The court may impose appropriate sanctions, by way of costs or otherwise, for the failure of a party who has received a notice of pre-trial conference to attend the pre-trial conference.

### *Inadequate Preparation*

(5) If a person who attends a pre-trial conference is, in the opinion of the judge or designated person conducting the conference, so inadequately prepared as to frustrate the purposes of the conference, the court may award costs against that person.

### *Limit on Costs*

(6) Costs awarded under subrule (4) or (5) shall not exceed \$50 unless there are special circumstances.

modifiées en déposant auprès du greffier une copie portant la mention «Modifiée», dans laquelle les ajouts sont soulignés et tous autres changements indiqués.

### *Signification*

(2) La partie qui apporte la modification signifie le document modifié à toutes les autres parties, y compris les parties en défaut, conformément au paragraphe 8.01 (10).

### *Délai*

(3) Le dépôt et la signification du document modifié se font au moins 30 jours avant le procès, à moins que le tribunal n'accorde, sur motion, un délai de préavis plus court.

### *Signification à une partie jointe*

(4) La personne jointe comme partie reçoit signification de la demande modifiée. Toutefois, si elle est jointe comme partie lors du procès, le tribunal peut dispenser de la signification de la demande.

### *Radiation ou modification de la demande ou de la défense*

**12.02** (1) Le tribunal peut radier ou modifier une demande ou une défense, en tout ou en partie, parce que, selon le cas :

- a) elle ne révèle aucune cause d'action ou de défense fondée;
- b) elle est scandaleuse, frivole ou vexatoire;
- c) elle peut compromettre, gêner ou retarder l'instruction équitable de l'action;
- d) elle constitue par ailleurs un recours abusif au tribunal.

(2) Le tribunal peut ordonner le sursis ou le rejet de l'action ou l'inscription d'un jugement en conséquence, ou il peut imposer des conditions justes.

## **RÈGLE 13 CONFÉRENCES PRÉPARATOIRES AU PROCÈS**

### *Demande de conférence préparatoire au procès*

**13.01** (1) Une partie peut demander une conférence préparatoire au procès en déposant auprès du greffier une demande de conférence préparatoire au procès (formule 13A).

(2) Le tribunal peut, avant ou pendant le procès, à la suite d'une demande de conférence préparatoire au procès ou de son propre chef, ordonner la tenue d'une conférence préparatoire au procès devant un juge ou une autre personne qu'il désigne.

(3) Le greffier fixe l'heure, la date et le lieu de la conférence et signifie aux parties un avis de conférence préparatoire au procès.

### *Défaut de se présenter*

(4) Le tribunal peut imposer des sanctions appropriées, sous forme de dépens ou autrement, à la partie qui a reçu un avis de conférence préparatoire au procès et qui ne s'y présente pas.

### *Préparation insuffisante*

(5) Le tribunal peut condamner à des dépens la personne qui se présente à une conférence préparatoire au procès mais qui est, selon le juge ou la personne désignée qui préside la conférence, tellement peu préparée que les objectifs de la conférence seront contrecarrés.

### *Dépens assujettis à un plafond*

(6) Les dépens adjugés en vertu du paragraphe (4) ou (5) ne doivent pas dépasser 50 \$, sauf en cas de circonstances particulières.



**Notice of Trial**

(7) At or after a pre-trial conference, the clerk shall provide the parties with a notice stating that the parties must request a trial date if the action is not disposed of within 30 days after the pre-trial conference, and pay the fee required for setting the action down for trial.

**Purposes of Pre-Trial Conference**

**13.02** (1) The purposes of a pre-trial conference are,

- (a) to resolve or narrow the issues in the action;
- (b) to expedite the disposition of the action;
- (c) to facilitate settlement of the action;
- (d) to assist the parties in effective preparation for trial; and
- (e) to provide full disclosure between the parties of the relevant facts and evidence.

(2) At the pre-trial conference, the parties or their representatives shall openly and frankly discuss the issues involved in the action.

**Disclosure Restricted**

(3) Except as otherwise provided or with the consent of the parties, the matters discussed at the pre-trial conference shall not be disclosed.

**Recommendations to Parties**

**13.03** (1) The judge or designated person conducting the pre-trial conference may make recommendations to the parties on any matter relating to the conduct of the action, in order to fulfil the purposes of a pre-trial conference, including recommendations as to,

- (a) the formulation and simplification of issues in the action;
- (b) the elimination of claims or defences that appear to be unsupported; and
- (c) the admission of facts or documents without further proof.

**Orders at Pre-Trial Conference**

(2) A judge conducting a pre-trial conference may make any order relating to the conduct of the action that the court could make.

(3) Without limiting the generality of subrule (2), the judge may make,

- (a) an order for the joinder of parties;
- (b) an order amending or striking out a claim or defence under Rule 12;
- (c) an order referring a matter to a referee under Rule 21; and
- (d) an order for costs under subrule 13.01 (4) or (5).

(4) If the pre-trial conference is conducted by a designated person, a judge may, on that person's recommendation, make any order that could be made under subrule (2).

**Memorandum**

(5) At the end of the pre-trial conference, the judge or designated person may prepare a memorandum summarizing,

**Avis de procès**

(7) Lors de la conférence préparatoire au procès ou après celle-ci, le greffier remet aux parties un avis portant que les parties doivent demander une date de procès si l'action n'est pas décidée dans les 30 jours qui suivent la conférence préparatoire au procès et payer les droits nécessaires pour inscrire l'action au rôle.

**Objectifs de la conférence préparatoire au procès**

**13.02** (1) Les objectifs de la conférence préparatoire au procès sont les suivants :

- a) résoudre ou limiter les questions en litige dans l'action;
- b) accélérer le règlement de l'action;
- c) faciliter une transaction sur l'action;
- d) aider les parties à bien se préparer au procès;
- e) permettre la divulgation complète des éléments de preuve et des faits pertinents par les parties.

(2) Lors de la conférence préparatoire au procès, les parties ou leurs représentants discutent ouvertement et franchement des questions en litige dans l'action.

**Restriction en matière de divulgation**

(3) Sauf disposition contraire ou avec le consentement des parties, les questions qui font l'objet d'une discussion lors de la conférence préparatoire au procès ne sont pas divulguées.

**Recommandations aux parties**

**13.03** (1) Le juge ou la personne désignée qui préside la conférence préparatoire au procès peut faire des recommandations aux parties sur les questions se rapportant au déroulement de l'action afin de réaliser les objectifs de la conférence préparatoire au procès, y compris des recommandations concernant ce qui suit :

- a) la formulation des questions en litige et les moyens de les simplifier;
- b) l'élimination des demandes ou des défenses qui ne semblent pas fondées;
- c) l'admission de faits ou de documents sans autre preuve.

**Ordonnances rendues lors de la conférence préparatoire au procès**

(2) Le juge qui préside une conférence préparatoire au procès peut rendre toute ordonnance relative au déroulement de l'action que le tribunal pourrait rendre.

(3) Sans préjudice de la portée générale du paragraphe (2), le juge peut rendre les ordonnances suivantes :

- a) une ordonnance visant la jonction de parties;
- b) une ordonnance modifiant ou radiant une demande ou une défense en vertu de la règle 12;
- c) une ordonnance renvoyant une question à un arbitre aux termes de la règle 21;
- d) une ordonnance adjugeant des dépens en vertu du paragraphe 13.01 (4) ou (5).

(4) Si la conférence préparatoire au procès est présidée par une personne désignée, un juge peut, sur la recommandation de cette personne, rendre une ordonnance qui pourrait être rendue en vertu du paragraphe (2).

**Procès-verbal**

(5) À l'issue de la conférence préparatoire au procès, le juge ou la personne désignée peut rédiger un procès-verbal dans lequel sont résumés :

- (a) the issues remaining in dispute;
- (b) the matters agreed on by the parties;
- (c) any evidentiary matters that the judge or designated person considers relevant; and
- (d) information relating to the scheduling of the remaining steps in the proceeding.

(6) The memorandum shall be filed with the clerk, and the clerk shall give the trial judge a copy.

#### ***Judge Not To Preside At Trial***

13.04 A judge who conducts a pre-trial conference in an action shall not preside at the trial of the action unless the parties consent in writing.

### **RULE 14 OFFER TO SETTLE**

14.01 A party may serve on any other party an offer to settle a claim on the terms specified in the offer.

#### ***Time For Making Offer***

14.02 An offer to settle may be made at any time, but if it is made less than seven days before the hearing commences, the costs consequences referred to in rule 14.07 do not apply.

#### ***Withdrawal***

14.03 (1) An offer to settle may be withdrawn at any time before it is accepted, by serving written notice of its withdrawal on the party to whom it was made.

#### ***Expiry When Court Disposes of Claim***

(2) An offer may not be accepted after the court disposes of the claim in respect of which the offer is made.

#### ***No Disclosure of Offer to Trial Judge***

14.04 If an offer to settle is not accepted, no communication about it shall be made to the trial judge until all questions of liability and the relief to be granted, other than costs, have been determined.

#### ***Acceptance***

14.05 (1) An offer to settle may be accepted by serving an acceptance of the offer on the party who made it, at any time before it is withdrawn or the court disposes of the claim in respect of which it is made.

#### ***Payment Into Court As Condition***

(2) An offer by a plaintiff to settle a claim in return for the payment of money by a defendant may include a term that the defendant pay the money into court; in that case, the defendant may accept the offer only by paying the money into court and notifying the plaintiff of the payment.

(3) If a defendant offers to pay money to a plaintiff in settlement of a claim, the plaintiff may accept the offer with the condition that the defendant pay the money into court; if the offer is so accepted and the defendant fails to pay the money into court, the plaintiff may proceed as provided in rule 14.06.

#### ***Costs***

(4) If an accepted offer to settle does not deal with costs, the plaintiff is entitled,

- (a) in the case of an offer made by the defendant, to the plaintiff's disbursements assessed to the date the plaintiff was served with the offer;

- a) les questions en litige non encore réglées;
- b) les questions sur lesquelles les parties se sont entendues;
- c) toutes questions relatives à la preuve que le juge ou la personne désignée juge pertinentes;
- d) les renseignements relatifs au calendrier des autres étapes de l'instance.

(6) Le procès-verbal est déposé auprès du greffier, qui en donne une copie au juge qui préside le procès.

#### ***Deux juges différents***

13.04 Le juge qui préside la conférence préparatoire au procès ne préside pas l'instruction de l'action, sauf si les parties y consentent par écrit.

### **RÈGLE 14 OFFRE DE TRANSACTION**

14.01 Une partie peut signifier à une autre partie une offre de transaction sur une demande, aux conditions précisées dans l'offre.

#### ***Quand peut se faire l'offre***

14.02 L'offre de transaction peut se faire en tout temps. Toutefois, la règle 14.07 relative aux dépens ne s'applique pas à l'offre de transaction présentée moins de sept jours avant le début de l'audience.

#### ***Retrait***

14.03 (1) Une partie peut retirer une offre de transaction, tant que celle-ci n'est pas acceptée, en signifiant un avis écrit à cet effet à la partie à laquelle l'offre a été faite.

#### ***Expiration au moment où le tribunal décide la demande***

(2) Une offre ne peut être acceptée après que le tribunal a décidé la demande qui en faisait l'objet.

#### ***Divulgence interdite de l'offre au juge du procès***

14.04 Si l'offre de transaction n'est pas acceptée, il n'en est pas fait mention au juge du procès tant que toutes les questions relatives à la responsabilité et les mesures de redressement à accorder, à l'exclusion des dépens, n'ont pas été décidées.

#### ***Acceptation***

14.05 (1) L'acceptation d'une offre de transaction peut se faire par la signification avant que l'offre ne soit retirée ou que le tribunal ne décide la demande qui en fait l'objet, d'une acceptation de l'offre à la partie qui l'a faite.

#### ***Condition de l'offre : consignation d'une somme d'argent***

(2) L'offre de transaction faite par un demandeur moyennant le paiement d'une somme d'argent par un défendeur peut imposer comme condition que la somme soit consignée au tribunal, auquel cas le défendeur ne peut accepter l'offre qu'en consignait la somme au tribunal et en avisant le demandeur.

(3) Un demandeur à qui un défendeur offre de verser une somme d'argent à titre de transaction sur une demande peut accepter l'offre à la condition que la somme soit consignée au tribunal. Si l'offre est ainsi acceptée et que le défendeur ne consigne pas la somme au tribunal, le demandeur peut invoquer contre lui les sanctions prévues par la règle 14.06.

#### ***Dépens***

(4) Si une offre de transaction acceptée ne traite pas des dépens, le demandeur a droit :

- a) au montant de ses débours liquidés à la date à laquelle il a reçu signification de l'offre, dans le cas d'une offre faite par le défendeur;

- (b) in the case of an offer made by the plaintiff, to the plaintiff's disbursements assessed to the date that the notice of acceptance was served.

#### *Failure to Comply With Accepted Offer*

**14.06** If a party to an accepted offer to settle fails to comply with the terms of the offer, the other party may,

- (a) make a motion to the court for judgment in the terms of the accepted offer; or
- (b) continue the proceeding as if there had been no offer to settle.

#### *Costs Consequences of Failure to Accept*

**14.07** (1) When a plaintiff makes an offer to settle that is not accepted by the defendant, the court may award the plaintiff an amount not exceeding twice the costs of the action, if the following conditions are met:

1. The plaintiff obtains a judgment as favourable as or more favourable than the terms of the offer.
2. The offer was made at least seven days before the trial.
3. The offer was not withdrawn and did not expire before the trial.

(2) When a defendant makes an offer to settle that is not accepted by the plaintiff, the court may award the defendant an amount not exceeding twice the costs awardable to a successful party, from the date the offer was served, if the following conditions are met:

1. The plaintiff obtains a judgment as favourable as or less favourable than the terms of the offer.
2. The offer was made at least seven days before the trial.
3. The offer was not withdrawn and did not expire before the trial.

(3) If an amount is awarded under subrule (1) or (2) to an unrepresented party, the court may also award the party an amount not exceeding \$300 as compensation for inconvenience and expense.

### **RULE 15 MOTIONS**

#### *Notice of Motion*

**15.01** (1) Unless the court orders otherwise, a motion shall be commenced by the filing of a notice of motion (Form 15A) and an affidavit (Form 15B).

(2) A copy of the notice of motion and the affidavit shall be served at least seven days before the hearing date on every party who has filed a claim or defence.

#### *Costs*

**15.02** (1) No costs are recoverable in respect of a motion, except that if the court is satisfied that a motion should not have been brought or opposed, or that the motion was necessary because of a party's default, the court may fix the costs of the motion and order that they be paid immediately.

(2) The costs of a motion fixed by the court under subrule (1) shall not exceed \$50 unless there are special circumstances.

### **RULE 16 NOTICE OF TRIAL**

**16.01** (1) If a defence has been filed, the clerk shall fix a date for trial and serve a notice of trial (Form 16A) on each party who has filed a claim or defence.

- b) au montant de ses débours liquidés à la date à laquelle l'avis d'acceptation a été signifié, dans le cas d'une offre faite par lui-même.

#### *Défaut de se conformer à une offre acceptée*

**14.06** Si une partie à une offre acceptée n'en observe pas les conditions, l'autre partie peut :

- a) soit demander au tribunal, par voie de motion, de rendre jugement suivant les conditions de l'offre acceptée;
- b) soit continuer l'instance comme s'il n'y avait jamais eu d'offre de transaction.

#### *Dépens en cas de défaut d'acceptation*

**14.07** (1) Lorsqu'un demandeur présente une offre de transaction qui n'est pas acceptée par le défendeur, le tribunal peut lui adjuger un montant qui ne dépasse pas le double des dépens de l'action, si les conditions suivantes sont réunies :

1. Le demandeur obtient un jugement aussi favorable ou plus favorable que les conditions de l'offre.
2. L'offre a été présentée au moins sept jours avant le procès.
3. L'offre n'a pas été retirée et n'a pas expiré avant le procès.

(2) Lorsqu'un défendeur présente une offre de transaction qui n'est pas acceptée par le demandeur, le tribunal peut lui adjuger un montant qui ne dépasse pas le double des dépens qui pourraient être adjugés à une partie qui obtient gain de cause, à compter de la date à laquelle l'offre a été signifiée, si les conditions suivantes sont réunies :

1. Le demandeur obtient un jugement aussi favorable ou moins favorable que les conditions de l'offre.
2. L'offre a été présentée au moins sept jours avant le procès.
3. L'offre n'a pas été retirée et n'a pas expiré avant le procès.

(3) Si un montant est adjugé en vertu du paragraphe (1) ou (2) à une partie non représentée, le tribunal peut également lui adjuger un montant indemnitaire qui ne dépasse pas 300 \$ au titre du dérangement et des dépenses.

### **RÈGLE 15 MOTIONS**

#### *Avis de motion*

**15.01** (1) Sauf ordonnance contraire du tribunal, une motion est présentée en déposant un avis de motion (formule 15A) et un affidavit (formule 15B).

(2) Une copie de l'avis de motion et de l'affidavit est signifiée au moins sept jours avant la date de l'audience à chaque partie qui a déposé une demande ou une défense.

#### *Dépens*

**15.02** (1) Une partie ne peut obtenir de dépens pour une motion. Toutefois, s'il est convaincu qu'une motion n'aurait pas dû être introduite ou contestée ou qu'elle était nécessaire en raison du défaut d'une partie, le tribunal peut fixer les dépens de la motion et ordonner leur paiement immédiat.

(2) Les dépens d'une motion fixés par le tribunal en vertu du paragraphe (1) ne doivent pas dépasser 50 \$, sauf en cas de circonstances particulières.

### **RÈGLE 16 AVIS DE PROCÈS**

**16.01** (1) Si une défense a été déposée, le greffier fixe la date du procès et signifie un avis de procès (formule 16A) à chaque partie qui a déposé une demande ou une défense.

(2) If a pre-trial conference is to be conducted under Rule 13, sub-rule 13.01 (7) applies instead of subrule (1) of this rule.

## RULE 17 TRIAL

### *Failure to Attend*

17.01 (1) If an action is called for trial and all the parties fail to attend, the trial judge may strike the action off the trial list.

(2) If an action is called for trial and a party fails to attend, the trial judge may,

- (a) proceed with the trial in the party's absence;
- (b) if the plaintiff attends and the defendant fails to do so, strike out the defence and dismiss the defendant's claim, if any, and allow the plaintiff to prove the plaintiff's claim, subject to subrule (3);
- (c) if the defendant attends and the plaintiff fails to do so, dismiss the action and allow the defendant to prove the defendant's claim, if any; or
- (d) make such other order as is just.

(3) In the case described in clause (2) (b), if an issue as to the proper place of trial under subrule 6.01 (1) is raised in the defence, the trial judge shall consider it and make a finding.

### *Setting Aside or Variation of Judgment*

(4) The court may set aside or vary, on such terms as are just, a judgment obtained against a party who failed to attend at the trial.

### *Adjournment*

17.02 The court may postpone or adjourn a trial on such terms as are just, including the payment by one party to another of an amount as compensation for inconvenience and expense.

### *Inspection*

17.03 The trial judge may, in the presence of the parties or their representatives, inspect any real or personal property concerning which a question arises in the action.

### *Motion for New Trial*

17.04 (1) Within 30 days after the trial, a party may make a motion to the court for a new trial.

### *Order for New Trial or Entry of New Judgment*

- (2) On the hearing of the motion, the court may,
  - (a) if the party demonstrates that a condition referred to in subrule (3) is satisfied,
    - (i) grant a new trial, or
    - (ii) pronounce the judgment that ought to have been given at trial and order judgment to be entered accordingly; or
  - (b) dismiss the motion.
- (3) The conditions referred to in clause (2) (a) are:
  1. There was a purely arithmetical error in the determination of the amount of damages.
  2. The party was, for a valid reason, unable to attend the first trial.

(2) Si une conférence préparatoire au procès doit avoir lieu en vertu de la règle 13, le paragraphe 13.01 (7) s'applique au lieu du paragraphe (1) de la présente règle.

## RÈGLE 17 PROCÈS

### *Défaut de se présenter*

17.01 (1) Si une action est appelée à l'instruction et qu'aucune des parties ne se présente, le juge du procès peut radier l'action du rôle.

(2) Si une action est appelée à l'instruction et qu'une partie ne se présente pas, le juge du procès peut :

- a) instruire le procès en l'absence de cette partie;
- b) si le demandeur est présent mais le défendeur absent, radier la défense et rejeter la demande du défendeur, le cas échéant, et permettre au demandeur d'établir le bien-fondé de sa demande, sous réserve du paragraphe (3);
- c) si le défendeur est présent mais le demandeur absent, rejeter l'action et permettre au défendeur d'établir le bien-fondé de sa demande, le cas échéant;
- d) rendre une autre ordonnance juste.

(3) Dans le cas visé à l'alinéa (2) b), si la défense soulève la question du lieu approprié pour le procès aux termes du paragraphe 6.01 (1), le juge du procès examine la question et émet une conclusion.

### *Annulation ou modification du jugement*

(4) Le tribunal peut annuler ou modifier, à des conditions justes, un jugement obtenu contre une partie qui ne s'est pas présentée au procès.

### *Ajournement*

17.02 Le tribunal peut reporter ou ajourner un procès à des conditions justes, y compris le paiement par une partie à une autre d'un montant indemnitaire au titre du dérangement et des dépenses.

### *Inspection*

17.03 Le juge du procès peut, en présence des parties ou de leurs représentants, inspecter un bien meuble ou immeuble au sujet duquel une question a été soulevée dans l'action.

### *Motion en vue d'obtenir un nouveau procès*

17.04 (1) Une partie peut, par voie de motion présentée au tribunal dans les 30 jours qui suivent le procès, demander la tenue d'un nouveau procès.

### *Ordonnance exigeant la tenue d'un nouveau procès ou inscription d'un nouveau jugement*

- (2) Lors de l'audition de la motion, le tribunal peut :
  - a) si la partie prouve qu'il a été satisfait à une des conditions prévues au paragraphe (3) :
    - (i) soit accorder un nouveau procès,
    - (ii) soit prononcer le jugement qui aurait dû être rendu au procès et ordonner son inscription;
  - b) rejeter la motion.
- (3) Les conditions visées à l'alinéa (2) a) sont les suivantes :
  1. Une simple erreur d'arithmétique a été faite dans le calcul du montant des dommages-intérêts.
  2. La partie n'a pu, pour un motif valable, se présenter au premier procès.

3. There is relevant evidence that could not reasonably have been expected to be available to the party at the time of the first trial.

## **RULE 18 EVIDENCE AT TRIAL**

### ***Affidavit***

**18.01** At the trial of an undefended action, the plaintiff's case may be proved by affidavit, unless the trial judge orders otherwise.

### ***Written Statements and Documents***

**18.02 (1)** A written statement or document described in subrule (2) that has been served on all parties at least 14 days before the trial date shall be received in evidence, unless the trial judge orders otherwise.

(2) Subrule (1) applies to the following written statements and documents:

1. The signed written statement of any witness, including the written report of an expert, to the extent that the statement relates to facts and opinions to which the witness would be permitted to testify in person.
2. Any other document, including but not limited to a hospital record or medical report made in the course of care and treatment, a financial record, a bill, documentary evidence of loss of income or property damage, and a repair estimate.

### ***Name, Telephone Number and Address of Witness or Author***

(3) A party who serves on another party a written statement or document described in subrule (2) shall append to or include in the statement or document the name, telephone number and address for service of the witness or author.

(4) A party who has been served with a written statement or document described in subrule (2) and wishes to cross-examine the witness or author may summon him or her as a witness under subrule 18.03 (1).

### ***Where Witness or Author is Summoned***

(5) A party who serves a summons to witness on a witness or author referred to in subrule (3) shall, at the time the summons is served, notify all other parties of the summons.

### ***Summons to Witness***

**18.03 (1)** A party who requires the attendance of a person in Ontario as a witness at a trial may serve the person with a summons to witness (Form 18A) requiring him or her to attend the trial at the time and place stated in the summons.

(2) The summons may also require the witness to produce at the trial the documents or other things in his or her possession, control or power relating to the matters in question in the action that are specified in the summons.

(3) A summons to witness shall be served in accordance with subrule 8.01 (5) and, at the same time, attendance money shall be paid or tendered to the witness in accordance with the tariff.

(4) Service of a summons to witness and the payment or tender of attendance money may be proved by affidavit.

(5) A summons to witness continues to have effect until the attendance of the witness is no longer required.

3. Il existe des éléments de preuve pertinents qui n'auraient pu, selon toutes attentes raisonnables, être à la disposition de la partie lors du premier procès.

## **RÈGLE 18 PREUVE AU PROCÈS**

### ***Affidavit***

**18.01** Sauf ordonnance contraire du juge du procès, lors de l'instruction d'une action non contestée, le demandeur peut établir le bien-fondé de sa cause au moyen d'un affidavit.

### ***Déclarations écrites et documents***

**18.02 (1)** Sauf ordonnance contraire du juge du procès, une déclaration écrite ou un document décrits au paragraphe (2) est reçu en preuve s'il a été signifié à toutes les parties au moins 14 jours avant la date du procès.

(2) Le paragraphe (1) s'applique aux déclarations écrites et documents suivants :

1. La déclaration écrite et signée d'un témoin, y compris le rapport écrit d'un expert, dans la mesure où la déclaration se rapporte à des faits et à des opinions qui pourraient faire l'objet d'un témoignage oral de la part du témoin.
2. Tout autre document, notamment un dossier d'hôpital ou un rapport médical dressé dans le cadre de l'administration de soins ou de traitements, un document à caractère financier, une facture, une preuve documentaire relative à la perte de revenus ou à des dommages matériels, et un devis de réparations.

### ***Nom, numéro de téléphone et adresse du témoin ou de l'auteur***

(3) La partie qui signifie à une autre partie une déclaration écrite ou un document décrits au paragraphe (2) y annexe ou inclut le nom, le numéro de téléphone et le domicile élu du témoin ou de l'auteur.

(4) La partie qui a reçu signification d'une déclaration écrite ou d'un document décrits au paragraphe (2) et qui souhaite contre-interroger le témoin ou l'auteur peut l'assigner à témoigner en vertu du paragraphe 18.03 (1).

### ***Cas où le témoin ou l'auteur est assigné***

(5) La partie qui signifie une assignation de témoin à un témoin ou à un auteur visé au paragraphe (3) en avise toutes les autres parties au moment de la signification de l'assignation.

### ***Assignation de témoin***

**18.03 (1)** La partie qui veut appeler à témoigner au procès une personne qui se trouve en Ontario peut lui signifier une assignation de témoin (formule 18A) exigeant sa présence au procès à la date, à l'heure et au lieu indiqués dans l'assignation.

(2) L'assignation peut également exiger que le témoin produise au procès les documents ou autres choses précisés dans l'assignation qui se trouvent en sa possession, sous son contrôle ou sous sa garde et qui se rapportent aux questions en litige dans l'action.

(3) L'assignation de témoin est signifiée conformément au paragraphe 8.01 (5). L'indemnité de présence, calculée conformément au tarif, lui est versée ou offerte au moment de la signification.

(4) La signification de l'assignation de témoin et le versement ou l'offre de l'indemnité de présence peuvent être établis au moyen d'un affidavit.

(5) L'assignation de témoin reste en vigueur jusqu'à ce que la présence du témoin ne soit plus requise.

**Failure to Attend or Remain in Attendance**

(6) If a witness whose evidence is material to the conduct of an action fails to attend at the trial or to remain in attendance in accordance with the requirements of a summons to witness served on him or her, the trial judge may, by warrant (Form 18B) directed to all police officers in Ontario, cause the witness to be apprehended anywhere within Ontario and promptly brought before the court.

(7) On being apprehended, the witness may be detained in custody until his or her presence is no longer required or released on such terms as are just, and may be ordered to pay the costs arising out of the failure to attend or remain in attendance.

**Abuse of Power to Summon Witness**

(8) If satisfied that a party has abused the power to summon a witness under this rule, the court may order that the party pay directly to the witness an amount as compensation for inconvenience and expense.

**RULE 19 COSTS****Disbursements**

**19.01** (1) A successful party is entitled to have the party's disbursements, including any costs of effecting service, paid by the unsuccessful party, unless the court orders otherwise.

(2) The clerk shall assess the disbursements in accordance with the regulations made under the *Administration of Justice Act* and in accordance with subrule (3); the assessment is subject to review by the court.

(3) The amount of disbursements assessed for effecting service shall not exceed \$20 for each person served.

**Limit**

**19.02** Any power under this Rule to award costs is subject to section 29 of the *Courts of Justice Act*.

**Preparation and Filing**

**19.03** The court may allow a successful party an amount not exceeding \$50 for preparation and filing of pleadings.

**Counsel Fee**

**19.04** If the amount claimed by a successful party exceeds \$500, exclusive of interest and costs, and the party is represented by a lawyer or student-at-law, the court may allow the party as a counsel fee at trial,

- (a) in the case of a lawyer, an amount not exceeding \$300;
- (b) in the case of a student-at-law, an amount not exceeding \$150.

**Compensation for Inconvenience and Expense**

**19.05** The court may order an unsuccessful party to pay to a successful party an amount not exceeding \$300 as compensation for inconvenience and expense, if,

- (a) the successful party is unrepresented;
- (b) the amount claimed exceeds \$500, exclusive of interest and costs; and
- (c) the court is satisfied that the proceeding has been unduly complicated or prolonged by the unsuccessful party.

**Défaut de se présenter ou de demeurer au procès**

(6) Si un témoin dont le témoignage est essentiel au déroulement de l'action ne se présente pas ou ne demeure pas au procès conformément à l'assignation de témoin qui lui a été signifiée, le juge du procès peut, au moyen d'un mandat (formule 18B) adressé à tous les agents de police de l'Ontario, le faire arrêter, où qu'il se trouve en Ontario, et le faire amener promptement devant le tribunal.

(7) Après son arrestation, le témoin peut être détenu jusqu'à ce que sa présence au procès ne soit plus requise ou être remis en liberté à des conditions justes. Il peut également être condamné à payer les dépens occasionnés par son défaut de se présenter ou de demeurer au procès.

**Abus du pouvoir d'assigner un témoin**

(8) Si le tribunal est convaincu qu'une partie a abusé du pouvoir d'assigner un témoin en vertu de la présente règle, le tribunal peut lui ordonner de verser directement au témoin un montant indemnitaire au titre du dérangement et des dépenses.

**RÈGLE 19 DÉPENS****Débours**

**19.01** (1) Sauf ordonnance contraire du tribunal, la partie qui obtient gain de cause a droit à ce que ses débours, y compris les frais de signification, soient payés par la partie qui succombe.

(2) Le greffier liquide les débours conformément aux règlements pris en application de la *Loi sur l'administration de la justice* et conformément au paragraphe (3); la liquidation est susceptible d'être révisée par le tribunal.

(3) Le montant des débours liquidés en ce qui concerne la signification ne doit pas dépasser 20 \$ par destinataire.

**Plafond**

**19.02** Tout pouvoir d'adjudger des dépens prévu par la présente règle est assujéti à l'article 29 de la *Loi sur les tribunaux judiciaires*.

**Préparation et dépôt**

**19.03** Le tribunal peut adjudger à la partie qui obtient gain de cause un montant ne dépassant pas 50 \$ pour la préparation et le dépôt des actes de procédure.

**Honoraires de l'avocat**

**19.04** Si le montant demandé par la partie qui obtient gain de cause dépasse 500 \$, sans compter les intérêts et les dépens, et que la partie est représentée par un avocat ou un étudiant en droit, le tribunal peut adjudger à la partie au titre des honoraires d'avocat au procès :

- a) dans le cas d'un avocat, un montant ne dépassant pas 300 \$;
- b) dans le cas d'un étudiant en droit, un montant ne dépassant pas 150 \$.

**Indemnité au titre du dérangement et des dépenses**

**19.05** Le tribunal peut ordonner à la partie qui succombe de verser à celle qui a obtenu gain de cause au montant indemnitaire qui ne dépasse pas 300 \$ au titre du dérangement et des dépenses, si les conditions suivantes sont réunies :

- a) la partie qui obtient gain de cause n'est pas représentée;
- b) le montant demandé dépasse 500 \$, sans compter les intérêts et les dépens;
- c) le tribunal est convaincu que la partie qui succombe a indûment compliqué ou prolongé l'instance.



**RULE 20 ENFORCEMENT OF ORDERS****Definitions**

**20.01** In rules 20.02 to 20.10,

“creditor” means a person who is entitled to enforce an order for the payment or recovery of money; («créancier»)

“debtor” means a person against whom an order for the payment or recovery of money may be enforced. («débiteur»)

**Power of Court**

**20.02** (1) The court may,

- (a) stay the enforcement of an order of the court, for such time and on such terms as are just; and
- (b) vary the times and proportions in which money payable under an order of the court shall be paid, if it is satisfied that the debtor's circumstances have changed.

**Enforcement Limited While Periodic Payment Order in Force**

(2) While an order for periodic payment is in force, no step to enforce the judgment may be taken or continued against the debtor by a creditor named in the order, except issuing a writ of seizure and sale of land and filing it with the sheriff.

**Termination on Default**

(3) An order for periodic payment terminates immediately if the debtor is in default under it for 21 days.

**General**

**20.03** In addition to any other method of enforcement provided by law,

- (a) an order for the payment or recovery of money may be enforced by,
  - (i) a writ of seizure and sale of personal property (Form 20C) under rule 20.06,
  - (ii) a writ of seizure and sale of land (Form 20D) under rule 20.07, and
  - (iii) garnishment under rule 20.08; and
- (b) a further order as to payment may be made under subrule 20.10 (7).

**Certificate of Judgment**

**20.04** (1) If there is default under an order for the payment or recovery of money, the clerk shall, at the creditor's request, supported by an affidavit stating the amount still owing, issue a certificate of judgment (Form 20A) to the clerk of the territorial division specified by the creditor.

(2) The certificate of judgment shall state,

- (a) the date of the order and the amount awarded;
- (b) the rate of postjudgment interest payable; and
- (c) the amount owing, including postjudgment interest.

**RÈGLE 20 EXÉCUTION FORCÉE****Définitions**

**20.01** Les définitions qui suivent s'appliquent aux règles 20.02 à 20.10.

«créancier» Personne qui a le droit de faire exécuter une ordonnance de paiement ou de recouvrement d'une somme d'argent. («creditor»)

«débiteur» Personne contre laquelle une ordonnance de paiement ou de recouvrement d'une somme d'argent peut être exécutée. («debtor»)

**Pouvoir du tribunal**

**20.02** (1) Le tribunal peut :

- a) surseoir à l'exécution forcée d'une ordonnance judiciaire, pour une durée et à des conditions justes;
- b) modifier les dates et les proportions des versements exigibles en vertu d'une ordonnance judiciaire, s'il est convaincu que la situation du débiteur a changé.

**Exécution forcée restreinte tant qu'une ordonnance prescrivant des versements périodiques est en vigueur**

(2) Tant qu'une ordonnance prescrivant des versements périodiques est en vigueur, un créancier nommé dans l'ordonnance ne peut prendre ni poursuivre contre le débiteur aucune mesure en vue d'exécuter le jugement, à l'exclusion de la délivrance d'un bref de saisie-exécution de biens-fonds et de son dépôt auprès du shérif.

**Fin de l'ordonnance en cas de défaut**

(3) L'ordonnance prescrivant des versements périodiques prend fin immédiatement si le débiteur est en défaut à l'égard de celle-ci pendant 21 jours.

**Dispositions générales**

**20.03** En plus des autres moyens d'exécution forcée prévus par la loi :

- a) une ordonnance de paiement ou de recouvrement d'une somme d'argent peut être exécutée par les moyens suivants :
  - (i) un bref de saisie-exécution de biens meubles (formule 20C) prévu par la règle 20.06;
  - (ii) un bref de saisie-exécution de biens-fonds (formule 20D) prévu par la règle 20.07,
  - (iii) une saisie-arrêt prévue par la règle 20.08;
- b) une nouvelle ordonnance de paiement peut être rendue en vertu du paragraphe 20.10 (7).

**Certificat de jugement**

**20.04** (1) En cas de défaut à l'égard d'une ordonnance de paiement ou de recouvrement d'une somme d'argent, le greffier, à la demande du créancier, appuyée d'un affidavit énonçant le montant qui reste dû, délivre un certificat de jugement (formule 20A) au greffier de la division territoriale que précise le créancier.

(2) Le certificat de jugement énonce ce qui suit :

- a) la date de l'ordonnance et le montant adjugé;
- b) le taux exigible des intérêts postérieurs au jugement;
- c) le montant qui reste dû, y compris les intérêts postérieurs au jugement.

**Delivery of Personal Property**

**20.05** (1) An order for the delivery of personal property may be enforced by a writ of delivery (Form 20B) issued by the clerk to a bailiff, on the request of the person in whose favour the order was made, supported by an affidavit of that person or the person's agent stating that the property has not been delivered.

**Seizure of Other Personal Property**

(2) If the property referred to in a writ of delivery cannot be found or taken by the bailiff, the person in whose favour the order was made may make a motion to the court for an order directing the bailiff to seize any other personal property of the person against whom the order was made.

(3) The bailiff shall keep personal property seized under subrule (2) until the court makes a further order for its disposition.

**Storage Costs**

(4) The person in whose favour the order is made shall pay the bailiff's storage costs, in advance and from time to time; if the person fails to do so, the seizure shall be deemed to be abandoned.

**Writ of Seizure and Sale of Personal Property**

**20.06** (1) If there is default under an order for the payment or recovery of money, the clerk shall, at the creditor's request, supported by an affidavit stating the amount still owing, issue to a bailiff a writ of seizure and sale of personal property (Form 20C), and the bailiff shall enforce the writ for the amount owing, postjudgment interest and the bailiff's fees and expenses.

**Duration and Renewal**

(2) A writ of seizure and sale of personal property remains in force for six months after the date of its issue and for a further six months after each renewal.

(3) A writ of seizure and sale of personal property may be renewed before its expiration by filing with the clerk a request to renew it.

(4) A writ of seizure and sale of personal property shall show the creditor's name, address and telephone number and the name, address and telephone number of the creditor's lawyer or agent, if any.

**Inventory of Property Seized**

(5) Within a reasonable time after a request is made by the debtor or the debtor's agent, the bailiff shall deliver an inventory of personal property seized under a writ of seizure and sale of personal property.

**Sale of Personal Property**

(6) Personal property seized under a writ of seizure and sale of personal property shall not be sold by the bailiff unless notice of the time and place of sale has been,

- (a) mailed to the creditor at the address shown on the writ or the creditor's lawyer or agent and to the debtor at the debtor's last known address, at least 14 days before the sale; and
- (b) advertised in a manner that is likely to bring it to the attention of the public.

**Writ of Seizure and Sale of Land**

**20.07** (1) If an order for the payment or recovery of money is unsatisfied, the clerk shall at the creditor's request, supported by an affidavit stating the amount still owing, issue to the sheriff specified by the creditor a writ of seizure and sale of land (Form 20D).

**Délaissement de biens meubles**

**20.05** (1) Une ordonnance de délaissement de biens meubles peut être exécutée au moyen d'un bref de délaissement (formule 20B) que le greffier délivre à l'huissier, à la demande de la personne en faveur de laquelle l'ordonnance a été rendue, appuyée d'un affidavit de cette personne ou de son mandataire portant que le bien n'a pas été délaissé.

**Saisie d'autres biens meubles**

(2) Si l'huissier ne peut trouver les biens visés par un bref de délaissement ni en prendre possession, la personne en faveur de laquelle l'ordonnance a été rendue peut, par voie de motion présentée au tribunal, demander une ordonnance enjoignant à l'huissier de saisir d'autres biens meubles de la personne contre laquelle l'ordonnance a été rendue.

(3) L'huissier garde les biens meubles saisis en vertu du paragraphe (2) jusqu'à ce que le tribunal rende une autre ordonnance afin de décider de leur affectation.

**Frais d'entreposage**

(4) La personne en faveur de laquelle l'ordonnance est rendue paie les frais d'entreposage de l'huissier à l'avance; si elle omet de le faire, la saisie est réputée abandonnée.

**Bref de saisie-exécution de biens meubles**

**20.06** (1) En cas de défaut à l'égard d'une ordonnance de paiement ou de recouvrement d'une somme d'argent, le greffier, à la demande du créancier, appuyée d'un affidavit faisant état du montant qui reste dû, délivre à l'huissier un bref de saisie-exécution de biens meubles (formule 20C). L'huissier exécute le bref pour le montant dû, plus les intérêts postérieurs au jugement et ses propres honoraires et frais.

**Durée et renouvellement**

(2) Le bref de saisie-exécution de biens meubles reste en vigueur pendant six mois après la date de sa délivrance ou après chaque renouvellement.

(3) Le bref de saisie-exécution de biens meubles peut être renouvelé avant son expiration en déposant une demande de renouvellement auprès du greffier.

(4) Le bref de saisie-exécution de biens meubles porte les nom, adresse et numéro de téléphone du créancier et, le cas échéant, ceux de son avocat ou mandataire.

**Inventaire de biens saisis**

(5) Dans un délai raisonnable après la présentation d'une demande par le débiteur ou son mandataire, l'huissier remet un inventaire des biens meubles saisis aux termes du bref de saisie-exécution de biens meubles.

**Vente de biens meubles**

(6) L'huissier ne vend pas les biens meubles saisis aux termes d'un bref de saisie-exécution de biens meubles à moins qu'un avis indiquant la date, l'heure et le lieu de la vente n'ait été :

- a) d'une part, envoyé par la poste au créancier à l'adresse indiquée sur le bref ou à son avocat ou mandataire, ainsi qu'au débiteur, à sa dernière adresse connue, au moins 14 jours avant la vente;
- b) d'autre part, annoncé d'une façon qui attirera vraisemblablement l'attention du public.

**Bref de saisie-exécution de biens-fonds**

**20.07** (1) S'il n'est pas satisfait à une ordonnance de paiement ou de recouvrement d'une somme d'argent, le greffier, à la demande du créancier, appuyée d'un affidavit faisant état du montant qui reste dû, délivre au shérif que précise le créancier un bref de saisie-exécution de biens-fonds (formule 20D).



(2) A writ of seizure and sale of land issued under subrule (1) has the same force and effect and may be renewed or withdrawn in the same manner as a writ of seizure and sale issued under Rule 60 of the Rules of Civil Procedure.

### **Garnishment**

**20.08** (1) A creditor may enforce an order for the payment or recovery of money by garnishment of debts payable to the debtor by other persons.

### **Joint Debts Garnishable**

(2) If a debt is payable to the debtor and to one or more co-owners, one-half of the indebtedness or a greater or lesser amount specified in an order made under subrule (15) may be garnished.

### **Obtaining Notice of Garnishment**

(3) A creditor who seeks to enforce an order by garnishment shall file with the clerk in the territorial division in which the debtor resides or carries on business,

- (a) an affidavit stating,
  - (i) the date of the order and the amount awarded,
  - (ii) the territorial division in which the order was made,
  - (iii) the rate of postjudgment interest payable,
  - (iv) the total amount of any payments received since the order was granted,
  - (v) the amount owing, including postjudgment interest,
  - (vi) the name and address of each person to whom a notice of garnishment is to be directed,
  - (vii) the creditor's belief that those persons are or will become indebted to the debtor, and the grounds for the belief, and
  - (viii) any particulars of the debts that are known to the creditor; and
- (b) a certificate of judgment (Form 20A), if the order was made in another territorial division.

(4) On the filing of the material required by subrule (3), the clerk shall issue notices of garnishment (Form 20E) naming as garnishees the persons named in the affidavit.

(5) A notice of garnishment issued under subrule (4) shall name only one debtor and only one garnishee.

### **Service of Notice of Garnishment**

(6) The notice of garnishment shall be served by the creditor in accordance with subrule 8.01 (6).

### **Garnishee Liable From Time of Service**

(7) The garnishee is liable to pay to the clerk any debt of the garnishee to the debtor, up to the amount shown in the notice of garnishment, within 10 days after service of the notice on the garnishee or 10 days after the debt becomes payable, whichever is later.

(8) For the purpose of subrule (7), a debt of the garnishee to the debtor includes,

- (a) a debt payable at the time the notice of garnishment is served; and
- (b) a debt payable (whether absolutely or on the fulfilment of a condition) within 24 months after the notice is served.

(2) Le bref de saisie-exécution de biens-fonds délivré aux termes du paragraphe (1) a le même effet et la même valeur qu'un bref de saisie-exécution délivré aux termes de la Règle 60 des Règles de procédure civile, et peut être renouvelé ou retiré de la même façon.

### **Saisie-arrêt**

**20.08** (1) Le créancier peut exécuter une ordonnance de paiement ou de recouvrement d'une somme d'argent au moyen d'une saisie-arrêt des créances du débiteur contre des tiers.

### **Créances conjointes saisissables**

(2) Si une créance est exigible par le débiteur et par un ou plusieurs cotitulaires de celle-ci, la moitié de la créance ou le montant plus élevé ou moins élevé précisé dans une ordonnance rendue en vertu du paragraphe (15), peut faire l'objet d'une saisie-arrêt.

### **Obtention d'un avis de saisie-arrêt**

(3) Le créancier qui cherche à exécuter une ordonnance au moyen d'une saisie-arrêt dépose les documents suivants auprès du greffier de la division territoriale où le débiteur réside ou exploite une entreprise :

- a) un affidavit énonçant ce qui suit :
  - (i) la date de l'ordonnance et le montant adjugé,
  - (ii) la division territoriale où l'ordonnance a été rendue,
  - (iii) le taux exigible des intérêts postérieurs au jugement,
  - (iv) le montant total des paiements reçus depuis que l'ordonnance a été accordée,
  - (v) le montant qui reste dû, y compris les intérêts postérieurs au jugement,
  - (vi) le nom et l'adresse de chacune des personnes auxquelles l'avis de saisie-arrêt doit être adressé,
  - (vii) le fait que le créancier croit que ces personnes sont ou seront redevables d'une dette au débiteur, ainsi que ses raisons de le croire,
  - (viii) des précisions sur les créances que le créancier connaît;
- b) un certificat de jugement (formule 20A), si l'ordonnance a été rendue dans une autre division territoriale.

(4) Après le dépôt des documents visés au paragraphe (3), le greffier délivre des avis de saisie-arrêt (formule 20E) qui désignent à titre de tiers saisis les tiers dont les noms figurent à l'affidavit.

(5) L'avis de saisie-arrêt délivré aux termes du paragraphe (4) ne désigne qu'un seul débiteur et qu'un seul tiers saisi.

### **Signification de l'avis de saisie-arrêt**

(6) L'avis de saisie-arrêt est signifié par le créancier conformément au paragraphe 8.01 (6).

### **Obligation du tiers saisi à compter de la signification**

(7) Le tiers saisi est tenu de payer au greffier la dette dont il est redevable au débiteur, jusqu'à concurrence du montant indiqué dans l'avis de saisie-arrêt, dans les 10 jours qui suivent la date à laquelle il a reçu signification de l'avis ou dans les 10 jours qui suivent la date à laquelle la créance devient exigible, selon la dernière de ces dates.

(8) Pour l'application du paragraphe (7), ce qui suit constitue une dette dont le tiers saisi est redevable au débiteur :

- a) la dette échue au moment de la signification de l'avis de saisie-arrêt;
- b) la dette à échoir (soit de façon absolue, soit à la réalisation d'une condition) dans les 24 mois qui suivent la signification de l'avis.

**Payment by Garnishee to Clerk**

(9) A garnishee who admits owing a debt to the debtor shall pay it to the clerk in the manner prescribed by the notice of garnishment, subject to section 7 of the *Wages Act*.

**Equal Distribution Among Creditors**

(10) If the clerk has issued notices of garnishment in respect of a debtor at the request of more than one creditor and receives payment under any of the notices of garnishment, he or she shall distribute the payment equally among the creditors who have filed a request for garnishment and are not paid in full.

**Disputing Garnishment**

(11) A garnishee referred to in subrule (12) shall, within 10 days after service of the notice of garnishment, file with the court a statement (Form 20F) setting out the particulars.

(12) Subrule (11) applies to a garnishee who,

- (a) wishes to dispute the garnishment for any reason; or
- (b) pays to the clerk less than the amount set out in the notice of garnishment as owing by the garnishee to the debtor, because the debt is owed to the debtor and to one or more co-owners or for any other reason.

**Service on Creditor and Debtor**

(13) If the garnishee's statement indicates that the debt is owed to the debtor and to one or more co-owners, the garnishee shall also serve copies of the statement on the creditor and the debtor.

**Notice to Co-Owner of Debt**

(14) A creditor who is served with a garnishee's statement under subrule (13) shall forthwith send to the co-owners of the debt, in accordance with rule 8.01 (10), a notice to co-owner of debt (Form 20G) and a copy of the garnishee's statement.

**Garnishment Hearing**

(15) At the request of a creditor, debtor, garnishee, co-owner of the debt or any other interested person, the court may,

- (a) if it is alleged that the garnishee's debt to the debtor has been assigned or encumbered, order the assignee or encumbrancer to appear and state the nature and particulars of the claim;
- (b) determine the rights and liabilities of the garnishee, any co-owner of the debt, the debtor and any assignee or encumbrancer;
- (c) vary or suspend periodic payments under a notice of garnishment; or
- (d) determine any other matter in relation to a notice of garnishment.

**Time to Request Hearing**

(16) A person who has been served with a notice to co-owner of debt is not entitled to dispute the enforcement of the creditor's order for the payment or recovery of money or a payment made by the clerk unless the person requests a garnishment hearing within 30 days after the notice is sent.

**Enforcement Against Garnishee**

(17) If the garnishee does not pay to the clerk the amount set out in the notice of garnishment and does not send a garnishee's statement, the creditor is entitled to an order against the garnishee for payment of the amount set out in the notice, unless the court orders otherwise.

**Paieement au greffier par le tiers saisi**

(9) Le tiers saisi qui reconnaît être redevable d'une dette au débiteur la paie au greffier de la façon prévue dans l'avis de saisie-arrêt, sous réserve de l'article 7 de la *Loi sur les salaires*.

**Répartition égale entre les créanciers**

(10) S'il a délivré des avis de saisie-arrêt contre un débiteur à la demande de plusieurs créanciers et qu'il reçoit un paiement aux termes de l'un de ces avis, le greffier répartit ce paiement également entre les créanciers qui ont déposé une demande de saisie-arrêt et qui n'ont pas été payés en entier.

**Contestation de la saisie-arrêt**

(11) Le tiers saisi visé au paragraphe (12) dépose auprès du tribunal, dans les 10 jours suivant la signification de l'avis de saisie-arrêt, une déclaration (formule 20F) donnant les précisions nécessaires.

(12) Le paragraphe (11) s'applique au tiers saisi qui, selon le cas :

- a) souhaite contester la saisie-arrêt pour quelque motif que ce soit;
- b) verse au greffier un montant inférieur à celui que l'avis de saisie-arrêt indique comme étant le montant dû par le tiers saisi au débiteur, parce que la créance est exigible par le débiteur et par un ou plusieurs cotitulaires de celle-ci ou pour tout autre motif.

**Signification au créancier et au débiteur**

(13) Si la déclaration du tiers saisi indique que la créance est exigible par le débiteur et par un ou plusieurs cotitulaires de celle-ci, le tiers saisi signifie également des copies de la déclaration au créancier et au débiteur.

**Avis au cotitulaire d'une créance**

(14) Le créancier qui reçoit signification de la déclaration d'un tiers saisi aux termes du paragraphe (13) envoie sans délai aux cotitulaires de la créance, conformément à la règle 8.01 (10), un avis au cotitulaire d'une créance (formule 20G) et une copie de la déclaration du tiers saisi.

**Audience sur la saisie-arrêt**

(15) À la demande d'un créancier, d'un débiteur, d'un tiers saisi, d'un cotitulaire de la créance ou d'un autre intéressé, le tribunal peut :

- a) s'il est allégué que la dette du tiers saisi envers le débiteur a été cédée ou grevée d'une sûreté, ordonner au cessionnaire ou au titulaire de la sûreté de comparaître pour exposer la nature et les précisions de sa demande;
- b) déterminer les droits et les responsabilités du tiers saisi, de tout cotitulaire de la créance, du débiteur et du cessionnaire ou du titulaire de la sûreté;
- c) modifier ou suspendre les versements périodiques effectués en exécution de l'avis de saisie-arrêt;
- d) décider les autres questions relatives à l'avis de saisie-arrêt.

**Délai prévu pour demander une audience**

(16) La personne qui a reçu signification d'un avis au cotitulaire d'une créance n'a pas le droit de contester l'exécution forcée de l'ordonnance obtenue par le créancier en ce qui concerne le paiement ou le recouvrement d'une somme d'argent ou un paiement fait par le greffier, sauf si elle demande une audience sur la saisie-arrêt dans les 30 jours suivant l'envoi de l'avis.

**Exécution forcée contre le tiers saisi**

(17) Sauf ordonnance contraire du tribunal, si le tiers saisi ne verse pas au greffier le montant précisé dans l'avis de saisie-arrêt et n'envoie pas de déclaration du tiers saisi, le créancier a droit à une ordonnance enjoignant au tiers saisi de payer le montant précisé dans l'avis.

**Payment to Person other than Clerk**

(18) If, after service of a notice of garnishment, the garnishee pays a debt attached by the notice to a person other than the clerk, the garnishee remains liable to pay the debt in accordance with notice.

**Effect of Payment to Clerk**

(19) Payment of a debt by a garnishee in accordance with a notice of garnishment is a valid discharge of the debt as between the garnishee and the debtor and any co-owner of the debt, to the extent of the payment.

(20) Unless a hearing has been requested under subrule (15), the clerk shall, when proof is filed that the notice of garnishment was served on the debtor, distribute to a creditor payments received under a notice of garnishment as they are received.

**Payment if Debt Jointly Owned**

(21) If a payment of a debt owed to the debtor and one or more co-owners has been made to the clerk, no request for a garnishment hearing is made and the time for doing so under subrule (16) has expired, the creditor may file with the clerk, within 30 days after that expiry,

- (a) proof of service of the notice to co-owner; and
- (b) an affidavit stating that the creditor believes that no co-owner of the debt is a person under disability, and the grounds for the belief.

(22) The affidavit required by subrule (21) may contain statements of the deponent's information and belief, if the source of the information and the fact of the belief are specified in the affidavit.

(23) If the creditor does not file the material referred to in subrule (21) the sheriff shall return the money to the garnishee.

**Consolidation Order**

**20.09** (1) A debtor against whom there are two or more unsatisfied orders for the payment of money may make a motion to the court for a consolidation order.

- (2) The debtor shall file with the motion an affidavit stating,
  - (a) the names and addresses of the creditors who have obtained an order for the payment of money against the debtor;
  - (b) the amount owed to each creditor;
  - (c) the amount of the debtor's income from all sources, identifying them; and
  - (d) the debtor's current financial obligations and any other relevant facts.

**Notice of Motion**

(3) Notice of the motion and a copy of the affidavit shall be served on each of the creditors mentioned in the affidavit, at least seven days before the hearing date.

**Contents of Consolidation Order**

(4) At the hearing of the motion, the court may make a consolidation order setting out,

- (a) a list of unsatisfied orders for the payment of money against the debtor, indicating in each case the date, court and amount and the amount unpaid;
- (b) the amounts to be paid into court by the debtor under the consolidation order; and

**Païement à une autre personne que le greffier**

(18) Le tiers saisi qui paie la dette visée par l'avis à une autre personne que le greffier après avoir reçu signification de l'avis de saisie-arêt demeure redevable de la dette conformément à l'avis.

**Effet du paiement au greffier**

(19) Le paiement d'une dette par le tiers saisi conformément à l'avis de saisie-arêt le libère de sa dette envers le débiteur et tout cotitulaire de la créance, jusqu'à concurrence du paiement.

(20) Sauf si une audience a été demandée en vertu du paragraphe (15), le greffier, lorsqu'une preuve de la signification de l'avis de saisie-arêt au débiteur est déposée, verse au créancier les paiements reçus aux termes de l'avis de saisie-arêt au fur et à mesure qu'ils sont reçus.

**Païement dans le cas d'une créance conjointe**

(21) Si le paiement d'une dette au débiteur et à un ou plusieurs cotitulaires de la créance a été fait au greffier, qu'aucune demande d'audience sur une saisie-arêt n'est présentée et que le délai prévu pour ce faire au paragraphe (16) est expiré, le créancier peut déposer auprès du greffier, dans les 30 jours suivant l'expiration de ce délai :

- a) d'une part, la preuve de la signification de l'avis au cotitulaire d'une créance;
- b) d'autre part, un affidavit attestant que le créancier croit qu'aucun cotitulaire de la créance n'est incapable, ainsi que ses raisons de le croire.

(22) L'affidavit exigé au paragraphe (21) peut faire état des éléments que le déposant tient pour véridiques sur la foi de renseignements, pourvu que la source de ces renseignements et le fait qu'ils sont tenus pour véridiques soient indiqués.

(23) Si le créancier ne dépose pas les documents visés au paragraphe (21), le shérif rembourse le tiers saisi.

**Ordonnance de consolidation**

**20.09** (1) Le débiteur qui fait l'objet de plusieurs ordonnances de paiement d'une somme d'argent non exécutées peut, par voie de motion au tribunal, demander une ordonnance de consolidation.

- (2) Le débiteur dépose avec la motion un affidavit énonçant :
  - a) les noms et adresses des créanciers qui ont obtenu une ordonnance de paiement d'une somme d'argent contre lui;
  - b) le montant dû à chaque créancier;
  - c) le montant de toutes ses sources de revenu, indiquées séparément;
  - d) ses obligations financières actuelles et tous autres faits pertinents.

**Avis de motion**

(3) L'avis de motion et une copie de l'affidavit sont signifiés à chaque créancier mentionné dans l'affidavit au moins sept jours avant la date de l'audience.

**Contenu de l'ordonnance de consolidation**

(4) Lors de l'audition de la motion, le tribunal peut rendre une ordonnance de consolidation énonçant :

- a) la liste des ordonnances de paiement d'une somme d'argent non exécutées qui ont été rendues contre le débiteur avec, dans chaque cas, la date, le nom du tribunal, le montant de l'ordonnance et le montant qui reste dû;
- b) les sommes que le débiteur doit consigner au tribunal aux termes de l'ordonnance de consolidation;

(c) the times of the payments.

(5) The total of the amounts to be paid into court by the debtor under a consolidation order shall not exceed the portion of the debtor's income that is subject to seizure or garnishment under section 7 of the *Wages Act*.

#### ***Creditor May Make Submissions***

(6) At the hearing of the motion, a creditor may make submissions as to the amount and times of payment.

#### ***Further Orders Obtained After Consolidation Order***

(7) If an order for the payment of money is obtained against the debtor after the date of the consolidation order for a debt incurred before the date of the consolidation order, the creditor may file with the clerk a certified copy of the new order; the creditor shall be added to the consolidation order and shall share in the distribution under it from that time.

(8) A consolidation order terminates immediately if an order for the payment of money is obtained against the debtor for a debt incurred after the date of the consolidation order.

#### ***Enforcement Limited While Consolidation Order in Force***

(9) While the consolidation order is in force, no step to enforce the judgment may be taken or continued against the debtor by a creditor named in the order, except issuing a writ of seizure and sale of land and filing it with the sheriff.

#### ***Termination on Default***

(10) A consolidation order terminates immediately if the debtor is in default under it for 21 days.

#### ***Effect of Termination***

(11) If a consolidation order terminates under subrule (8) or (10), the clerk shall notify the creditors named in the consolidation order, by mail, and no further consolidation order shall be made in respect of the debtor for one year after the date of termination.

#### ***Equal Distribution Among Creditors***

(12) All payments into a consolidation account belong to the creditors named in the consolidation order, who shall share equally in the distribution of the money.

(13) The clerk shall distribute the money paid into the consolidation account at least once every six months.

#### ***Examination of Debtor or Other Person***

**20.10** (1) If there is default under an order for the payment or recovery of money, the clerk of the territorial division where the debtor or other person to be examined resides or carries on business shall, at the creditor's request, issue a notice of examination (Form 20H) directed to the debtor or other person.

(2) The creditor's request shall be accompanied by,

- (a) an affidavit setting out,
  - (i) the date of the order and the amount awarded,
  - (ii) the territorial division in which the order was made,
  - (iii) the rate of postjudgment interest payable,

c) les échéances des versements.

(5) Le total des montants que le débiteur doit consigner au tribunal aux termes d'une ordonnance de consolidation ne doit pas dépasser la partie de son revenu, fixée à l'article 7 de la *Loi sur les salaires*, qui peut faire l'objet d'une saisie ou d'une saisie-arrêt.

#### ***Observations des créanciers***

(6) Lors de l'audition de la motion, un créancier peut présenter des observations relativement au montant et aux échéances des versements.

#### ***Autres ordonnances obtenues après l'ordonnance de consolidation***

(7) Si un créancier obtient une ordonnance de paiement d'une somme d'argent contre le débiteur après la date à laquelle l'ordonnance de consolidation a été rendue, sur une créance antérieure à cette date, il peut déposer auprès du greffier une copie certifiée conforme de la nouvelle ordonnance. Le créancier est alors ajouté à la liste des créanciers bénéficiaires de l'ordonnance de consolidation et participe à la distribution à compter de ce moment-là.

(8) L'ordonnance de consolidation prend fin immédiatement si une ordonnance de paiement d'une somme d'argent est obtenue contre le débiteur à l'égard d'une dette contractée après la date de l'ordonnance de consolidation.

#### ***Exécution forcée restreinte tant que l'ordonnance de consolidation est en vigueur***

(9) Tant que l'ordonnance de consolidation est en vigueur, un créancier nommé dans l'ordonnance ne peut prendre ni poursuivre contre le débiteur aucune mesure d'exécution forcée, à l'exclusion de la délivrance d'un bref de saisie-exécution de biens-fonds et de son dépôt auprès du shérif.

#### ***Fin de l'ordonnance en cas de défaut***

(10) L'ordonnance de consolidation prend fin immédiatement si le débiteur est en défaut à l'égard de celle-ci pendant 21 jours.

#### ***Conséquences***

(11) Si l'ordonnance de consolidation prend fin aux termes du paragraphe (8) ou (10), le greffier en avise, par courrier, les créanciers qui y sont nommés. Le débiteur ne peut obtenir de nouvelle ordonnance de consolidation pendant la période d'un an qui suit la date à laquelle l'ordonnance a pris fin.

#### ***Répartition égale entre les créanciers***

(12) Toutes les sommes versées dans un compte de consolidation appartiennent aux créanciers nommés dans l'ordonnance de consolidation, qui se les partagent également.

(13) Le greffier répartit les sommes versées dans le compte de consolidation au moins une fois tous les six mois.

#### ***Interrogatoire du débiteur ou d'une autre personne***

**20.10** (1) En cas de défaut à l'égard d'une ordonnance de paiement ou de recouvrement d'une somme d'argent, le greffier de la division territoriale où le débiteur ou une autre personne qui doit subir un interrogatoire réside ou exploite une entreprise délivre, à la demande du créancier, un avis d'interrogatoire (formule 20H) à l'intention du débiteur ou de l'autre personne.

(2) La demande du créancier est accompagnée des documents suivants :

- a) un affidavit énonçant ce qui suit :
  - (i) la date de l'ordonnance et le montant adjugé,
  - (ii) la division territoriale où l'ordonnance a été rendue,
  - (iii) le taux exigible des intérêts postérieurs au jugement,

- (iv) the total amount of any payments received since the order was granted, and
- (v) the amount owing, including postjudgment interest; and
- (b) a certificate of judgment (Form 20A), if the order was made in another territorial jurisdiction.

#### **Service of Notice of Examination**

(3) The notice of examination shall be served in accordance with subrules 8.01 (7) and (8).

(4) The debtor, any other persons to be examined and any witnesses whose evidence the court considers necessary may be examined in relation to,

- (a) the reason for nonpayment;
- (b) the debtor's income and property;
- (c) the debts owed to and by the debtor;
- (d) the disposal the debtor has made of any property either before or after the order was made;
- (e) the debtor's present, past and future means to satisfy the order;
- (f) whether the debtor intends to obey the order or has any reason for not doing so; and
- (g) any other matter pertinent to the enforcement of the order.

#### **Who May Be Examined**

(5) An officer or director of a corporate debtor, or, in the case of a debtor that is a partnership or sole proprietorship, the sole proprietor or any partner, may be examined on the debtor's behalf in relation to the matters set out in subrule (4).

#### **Examinations Private**

(6) The examination shall be held in the absence of the public, unless the court orders otherwise.

#### **Order As To Payment**

(7) After the examination or with the debtor's written consent, the court may make an order as to payment.

#### **Enforcement Limited while Order as to Payment in Force**

(8) While an order as to payment is in force, no step to enforce the judgment may be taken or continued against the debtor by a creditor named in the order, except issuing a writ of seizure and sale of land and filing it with the sheriff.

#### **Contempt Hearing**

(9) The court may find a person on whom a notice of examination has been served to be in contempt of court, and may order that he or she attend before the court for a contempt hearing, if the person,

- (a) fails to attend as required by the notice of examination, and the court is satisfied that the failure to attend is wilful; or
- (b) attends and refuses to answer questions.

- (iv) le montant total des paiements reçus depuis que l'ordonnance a été accordée,
- (v) le montant qui reste dû, y compris les intérêts postérieurs au jugement;
- b) un certificat de jugement (formule 20A), si l'ordonnance a été rendue dans une autre division territoriale.

#### **Signification de l'avis d'interrogatoire**

(3) L'avis d'interrogatoire est signifié conformément aux paragraphes 8.01 (7) et (8).

(4) Le débiteur, les autres personnes qui doivent être interrogées et les témoins dont le témoignage, selon le tribunal, est nécessaire, peuvent être interrogés sur les points suivants :

- a) la raison du défaut de payer;
- b) les revenus et les biens du débiteur;
- c) les créances et les dettes du débiteur;
- d) toute aliénation, par le débiteur, de ses biens avant que l'ordonnance n'ait été rendue ou après;
- e) les ressources présentes, passées et futures dont dispose le débiteur pour satisfaire à l'ordonnance;
- f) l'intention du débiteur d'obéir à l'ordonnance ou ses motifs de ne pas le faire;
- g) les autres questions se rapportant à l'exécution forcée de l'ordonnance.

#### **Qui peut être interrogé**

(5) Le dirigeant ou l'administrateur d'un débiteur qui est une personne morale ou, si le débiteur est une société en nom collectif ou une entreprise à propriétaire unique, le propriétaire unique ou un associé peut être interrogé au nom du débiteur sur les points énumérés au paragraphe (4).

#### **Interrogatoires à huis clos**

(6) Sauf ordonnance contraire du tribunal, l'interrogatoire est tenu à huis clos.

#### **Ordonnance de paiement**

(7) Après l'interrogatoire ou avec le consentement écrit du débiteur, le tribunal peut rendre une ordonnance de paiement.

#### **Exécution forcée restreinte tant qu'une ordonnance de paiement est en vigueur**

(8) Tant qu'une ordonnance de paiement est en vigueur, un créancier nommé dans l'ordonnance ne peut prendre ni poursuivre contre le débiteur aucune mesure d'exécution forcée, à l'exclusion de la délivrance d'un bref de saisie-exécution de biens-fonds et de son dépôt auprès du shérif.

#### **Audience pour outrage**

(9) Le tribunal peut reconnaître une personne qui a reçu signification d'un avis d'interrogatoire coupable d'outrage au tribunal, et peut ordonner qu'elle se présente devant le tribunal pour une audience sur l'outrage, si, selon le cas :

- a) elle ne s'est pas présentée comme l'exige l'avis d'interrogatoire, et que le tribunal est convaincu que son défaut de comparution était délibéré;
- b) elle s'est présentée et a refusé de répondre aux questions.

**Notice of Contempt Hearing**

(10) When an order for a contempt hearing is made under subrule (9), a notice (Form 20I) setting out the time, date and place of the hearing shall be,

- (a) mailed to the creditor; and
- (b) served on the person by the creditor in accordance with subrule 8.01 (9).

**Powers of Court at Contempt Hearing**

- (11) At the contempt hearing, the court may,
  - (a) order that the person attend at an examination under this rule;
  - (b) make an order as to payment; or
  - (c) order that the person be jailed for a period not exceeding 40 days.

**Warrant of Committal**

(12) If an order is made under clause (11) (c), the clerk shall issue a warrant of committal (Form 20J) directed to all police officers in Ontario.

(13) The warrant authorizes any police officer in Ontario to take the debtor or other person named in the warrant and deliver him or her to the nearest correctional institution.

(14) The warrant remains in force for 12 months after its date of issue and may be renewed by order of the court made on the creditor's motion, for 12 months at each renewal.

**Discharge**

(15) The person shall be discharged from custody on the order of the court or when the time prescribed in the warrant expires, whichever is earlier.

**RULE 21 REFEREE**

**21.01** (1) A referee shall assist the court by performing the advisory duties and functions that it directs.

(2) Without limiting the generality of subrule (1), if the court so directs, a referee shall conduct pre-trial conferences under Rule 13 and examinations under rule 20.10 (examination of debtor).

(3) Except under subrule 9.03 (5) (order as to terms of payment), a referee shall not make a final decision in any matter referred to him or her but shall report his or her findings and recommendations to the court.

**22.** Regulation 201 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 732/92, 66/95 and 132/96 are revoked.

**23.** This Regulation comes into force on September 1, 1998.

**Avis d'audience sur l'outrage**

(10) Lorsqu'une ordonnance pour la tenue d'une audience sur l'outrage est rendue en vertu du paragraphe (9), un avis (formule 20I) indiquant l'heure, la date et le lieu de l'audience est :

- a) d'une part, envoyé par la poste au créancier;
- b) d'autre part, signifié à la personne par le créancier conformément au paragraphe 8.01 (9).

**Pouvoirs du tribunal à l'audience sur l'outrage**

- (11) Lors de l'audience sur l'outrage, le tribunal peut, selon le cas :
  - a) ordonner que la personne se présente à un interrogatoire aux termes de la présente règle;
  - b) rendre une ordonnance de paiement;
  - c) ordonner que la personne soit incarcérée pour une période maximale de 40 jours.

**Mandat de dépôt**

(12) Si une ordonnance est rendue en vertu de l'alinéa (11) c), le greffier délivre un mandat de dépôt (formule 21J) à l'intention de tous les agents de police de l'Ontario.

(13) Le mandat autorise tout agent de police de l'Ontario à amener et à livrer le débiteur ou une autre personne nommé dans le mandat à l'établissement correctionnel le plus proche.

(14) Le mandat de dépôt reste en vigueur pendant 12 mois après la date à laquelle il a été délivré. Il est renouvelable par ordonnance du tribunal rendue sur motion du créancier, chaque renouvellement valant pour une durée de 12 mois.

**Libération**

(15) La personne est libérée sur ordonnance du tribunal ou à l'expiration du délai prévu dans le mandat, si celle-ci se produit avant.

**RÈGLE 21 ARBITRE**

**21.01** (1) L'arbitre aide le tribunal en exerçant les fonctions consultatives que celui-ci ordonne.

(2) Sans préjudice de la portée générale du paragraphe (1) et si le tribunal l'ordonne, l'arbitre préside les conférences préparatoires au procès prévues à la règle 13 et mène les interrogatoires prévus à la règle 20.10 (interrogatoire du débiteur).

(3) Sauf dans le cas visé au paragraphe 9.03 (5) (ordonnance relative aux modalités de paiement), l'arbitre ne rend pas de décision définitive sur toute question qui lui est soumise, mais communique ses conclusions et recommandations au tribunal.

**22.** Le Règlement 201 des Règlements refondus de l'Ontario de 1990 et les Règlements de l'Ontario 732/92, 66/95 et 132/96 sont abrogés.

**23.** Le présent règlement entre en vigueur le 1<sup>er</sup> septembre 1998.

## TABLE OF FORMS

<i>Form Number</i>	<i>Title</i>
1A	General Heading
4A	Consent to Act as Plaintiff's Litigation Guardian
4B	Consent to Act as Defendant's Litigation Guardian
5A	Notice to Alleged Partner
7A	Plaintiff's Claim
8A	Certificate of Service - Bailiff or Bailiff's Officer
8B	Affidavit of Service
9A	Defence
9B	Request for a Hearing (Dispute of Proposal of Terms of Payment)
9C	Order as to Terms of Payment
10A	Defendant's Claim
11A	Notice of Default Judgment
13A	Request for Pre-Trial Conference
15A	Notice of Motion
15B	Affidavit
16A	Notice of Trial
18A	Summons to Witness
18B	Warrant for Arrest of Defaulting Witness
20A	Certificate of Judgment
20B	Writ of Delivery
20C	Writ of Seizure and Sale of Personal Property
20D	Writ of Seizure and Sale of Land
20E	Notice of Garnishment
20F	Garnishee's Statement
20G	Notice to Co-Owner of Debt
20H	Notice of Examination
20I	Notice of Contempt Hearing
20J	Warrant of Committal

## LISTE DES FORMULES

<i>Formule numéro</i>	<i>Titre</i>
1A	Titre
4A	Consentement pour agir en qualité de tuteur à l'instance pour le demandeur
4B	Consentement pour agir en qualité de tuteur à l'instance pour le défendeur
5A	Avis au prétendu associé
7A	Demande du demandeur
8A	Certificat de signification de l'huissier ou du représentant de l'huissier
8B	Affidavit de signification
9A	Défense
9B	Demande d'audience (contestation des modalités de paiement proposées)
9C	Ordonnance relative aux modalités de paiement
10A	Demande du défendeur
11A	Avis de jugement par défaut
13A	Demande de conférence préparatoire au procès
15A	Avis de motion
15B	Affidavit
16A	Avis de procès
18A	Assignation de témoin
18B	Mandat d'arrêt d'un témoin défaillant
20A	Certificat de jugement
20B	Bref de délaissement
20C	Bref de saisie-exécution de biens meubles
20D	Bref de saisie-exécution de biens-fonds
20E	Avis de saisie-arrêt
20F	Déclaration du tiers saisi
20G	Avis au cotitulaire d'une créance
20H	Avis d'interrogatoire
20I	Avis d'audience sur l'outrage
20J	Mandat de dépôt



## Form 1A

## GENERAL HEADING

Ontario court (General Division)

Claim No. /

..... Small Claims Court

**Plaintiff #1****Plaintiff #2 (if applicable)**

Full name	Full Name
Address for Service ( <i>street and number, city, postal code</i> )	Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)	Phone No. Fax No. (If any)
<b>Plaintiff's Lawyer/Agent</b> ( Full Name)	<b>Plaintiff's Lawyer/Agent</b> (Full Name)
Lawyer/Agent's Address for Service	Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)	Lawyer/Agent's Phone No. Fax No. (If any)

**Defendant #1****Defendant #2 (if applicable)**

Full name	Full Name
Address for Service ( <i>street and number, city, postal code</i> )	Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)	Phone No. Fax No. (If any)
<b>Defendant's Lawyer/Agent</b> ( Full Name)	<b>Defendant's Lawyer/Agent</b> (Full Name)
Lawyer/Agent's Address for Service	Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)	Lawyer/Agent's Phone No. Fax No. (If any)

**Defendant #3****Defendant #4 (if applicable)**

Full name	Full Name
Address for Service ( <i>street and number, city, postal code</i> )	Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)	Phone No. Fax No. (If any)
<b>Defendant's Lawyer/Agent</b> ( Full Name)	<b>Defendant's Lawyer/Agent</b> (Full Name)
Lawyer/Agent's Address for Service	Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)	Lawyer/Agent's Phone No. Fax No. (If any)



## Formule 1A

## TITRE

Cour de l'Ontario (Division générale)

Demande n° /

Cour des petites créances de .....

## Demandeur n° 1

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du demandeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Demandeur n° 2 (le cas échéant)

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du demandeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Défendeur n° 1

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du défendeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Défendeur n° 2 (le cas échéant)

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du défendeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Défendeur n° 3

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du défendeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Défendeur n° 4 (le cas échéant)

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
Numéro de téléphone Numéro de télécopieur (le cas échéant)
Avocat/mandataire du défendeur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
Numéro de téléphone de l'avocat/du mandataire Numéro de télécopieur (le cas échéant)

## Form 4A

## CONSENT TO ACT AS PLAINTIFF'S LITIGATION GUARDIAN

I, .....  
(name of litigation guardian)

living at .....  
(street and number)  
.....  
(city, province, postal code)  
.....  
(telephone number and fax number, if any)

Consent to act as litigation guardian for the plaintiff in this action.

I have given written authority

to .....  
(name of lawyer/agent with authority to act in this proceeding)

of .....  
(street and number)  
.....  
(city, province, postal code)  
.....  
(telephone number and fax number, if any)

to act in this proceeding.

The Plaintiff is under the following disability:

- ☐ a minor whose birth date is .....  
(state date of birth of minor)
- ☐ mentally incapable within the meaning of section 6 or section 45 of the *Substitute Decisions Act, 1992* in respect of an issue in a proceeding.
- ☐ an absentee within the meaning of the *Absentees Act*.

My relationship to the plaintiff is .....  
(state relationship, if any)

I have no interest in this action adverse to that of the plaintiff and I acknowledge that I know that I may be personally liable for any costs awarded against me or against the plaintiff.

.....  
(Date)

.....  
(Signature of litigation guardian)

## Formule 4A

**CONSENTEMENT POUR AGIR EN QUALITÉ DE TUTEUR  
À L'INSTANCE POUR LE DEMANDEUR**

Je soussigné(e), .....  
(nom du tuteur à l'instance)

domicilié(e) au .....  
(numéro et rue)  
.....  
(ville, province, code postal)  
.....  
(numéro de téléphone et numéro de télécopieur, le cas échéant)

consens à agir à titre de tuteur à l'instance pour le demandeur dans l'action.

J'ai autorisé par écrit :

.....  
(nom de l'avocat/du mandataire autorisé à agir dans l'instance)

du .....  
(numéro et rue)  
.....  
(ville, province, code postal)  
.....  
(numéro de téléphone et numéro de télécopieur, le cas échéant)

à agir dans l'instance.

Le demandeur est incapable parce qu'il est :

- ☐ un mineur dont la date de naissance est le .....  
(indiquer la date de naissance du mineur)
- ☐ un incapable mental au sens de l'article 6 ou 45 de la *Loi de 1992 sur la prise de décisions au nom d'autrui* à l'égard d'une question dans une instance.
- ☐ un absent au sens de la *Loi sur les absents*.

Mon lien de parenté avec le demandeur est le suivant : .....  
(préciser, le cas échéant)

Je n'ai dans l'action aucun intérêt opposé à celui du demandeur et je reconnais savoir que je peux être tenu(e) personnellement responsable des dépens auxquels moi-même ou le demandeur pourrions être condamnés.

.....  
(date)

.....  
(signature du tuteur à l'instance)

## Form 4B

## CONSENT TO ACT AS DEFENDANT'S LITIGATION GUARDIAN

I, .....  
(name of litigation guardian)

living at .....  
(street and number)  
.....  
(city, province, postal code)  
.....  
(telephone number and fax number, if any)

Consent to act as litigation guardian for the defendant in this action.

I have given written authority

to .....  
(name of lawyer/agent with authority to act in this proceeding)

of .....  
(street and number)  
.....  
(city, province, postal code)  
.....  
(telephone number and fax number, if any)

to act in this proceeding.

The Defendant is under the following disability:

- ☐ a minor whose birth date is .....  
(state date of birth of minor)
- ☐ mentally incapable within the meaning of section 6 or section 45 of the *Substitute Decisions Act, 1992* in respect of an issue in a proceeding.
- ☐ an absentee within the meaning of the *Absentees Act*.

My relationship to the defendant is .....  
(state relationship, if any)

I have no interest in this action adverse to that of the defendant and I acknowledge that I know that I may be personally liable for any costs awarded against me or against the defendant.

.....  
(Date)

.....  
(Signature of litigation guardian)

## Formule 4B

## CONSENTEMENT POUR AGIR EN QUALITÉ DE TUTEUR À L'INSTANCE POUR LE DÉFENDEUR

Je soussigné(e), .....  
(nom du tuteur à l'instance)

domicilié(e) au .....  
(numéro et rue)  
.....  
(ville, province, code postal)  
.....  
(numéro de téléphone et numéro de télécopieur, le cas échéant)

consens à agir à titre de tuteur à l'instance pour le défendeur dans l'action.

J'ai autorisé par écrit :

.....  
(nom de l'avocat/du mandataire autorisé à agir dans l'instance)

du .....  
(numéro et rue)  
.....  
(ville, province, code postal)  
.....  
(numéro de téléphone et numéro de télécopieur, le cas échéant)

à agir dans l'instance.

Le défendeur est incapable parce qu'il est :

- ☐ un mineur dont la date de naissance est le .....  
(indiquer la date de naissance du mineur)
- ☐ un incapable mental au sens de l'article 6 ou 45 de la *Loi de 1992 sur la prise de décisions au nom d'autrui* à l'égard d'une question dans une instance.
- ☐ un absent au sens de la *Loi sur les absents*.

Mon lien de parenté avec le défendeur est le suivant : .....  
(préciser, le cas échéant)

Je n'ai dans l'action aucun intérêt opposé à celui du défendeur et je reconnais savoir que je peux être tenu(e) personnellement responsable des dépens auxquels moi-même ou le défendeur pourrions être condamnés.

.....  
(date)

.....  
(signature du tuteur à l'instance)

## Form 5A

## NOTICE TO ALLEGED PARTNER

To .....  
(name of alleged partner)

.....  
(street and number)

.....  
(city, province, postal code)

.....  
(phone number and fax number, if any of alleged partner)

**YOU ARE ALLEGED TO HAVE BEEN A PARTNER** on ..... (or during the period) .....  
(Date)

in the partnership of ..... a party named in this proceeding.  
(Firm Name)

**IF YOU WISH TO DENY THAT YOU WERE A PARTNER** at any material time, you must defend this proceeding separately from the partnership, denying that you were a partner at the material time. If you fail to do so you will be deemed to have been a partner on the date (or during the period) set out above.

**AN ORDER AGAINST THE PARTNERSHIP MAY BE ENFORCED AGAINST YOU PERSONALLY** if you are deemed to have been a partner, if you admit that you were a partner, or if the court finds that you were a partner at the material time.

.....  
(Date)

.....  
(Name of Plaintiff or Plaintiff's lawyer/agent)

## Formule 5A

## AVIS AU PRÉTENDU ASSOCIÉ

## Destinataire :

.....  
(nom du prétendu associé).....  
(numéro et rue).....  
(ville, province, code postal).....  
(numéro de téléphone et numéro de télécopieur, le cas échéant, du prétendu associé)

**IL EST ALLÉGUÉ QUE VOUS ÉTIEZ UN ASSOCIÉ** le ..... (ou pendant la période du) .....  
(date)

de la société en nom collectif de ..... , désignée comme partie à l'instance.  
(raison sociale)

**SI VOUS SOUHAITEZ NIER QUE VOUS ÉTIEZ UN ASSOCIÉ** à l'époque en cause, vous devez présenter dans l'instance une défense distincte de celle de la société en nom collectif, selon laquelle vous niez avoir été un associé à cette époque. À défaut de ce faire, vous serez réputé(e) avoir été un associé à la date (ou pendant la période) susmentionnée.

**UNE ORDONNANCE CONTRE LA SOCIÉTÉ EN NOM COLLECTIF PEUT ÊTRE EXÉCUTÉE CONTRE VOUS PERSONNELLEMENT** si vous êtes réputé(e) avoir été un associé, si vous admettez ce fait ou si le tribunal conclut que vous étiez un associé à l'époque en cause.

.....  
(date).....  
(nom du demandeur ou de son avocat/mandataire)

## Form 7A

## PLAINTIFF'S CLAIM

## TO THE DEFENDANT:

.....  
(Name of Defendant)

The Plaintiff claims from you \$ ....., and costs for the reason(s) set out below.

**IF YOU DO NOT FILE A DEFENCE WITH THE COURT WITHIN TWENTY (20) DAYS AFTER YOU HAVE RECEIVED THIS CLAIM, JUDGMENT MAY BE ENTERED AGAINST YOU.**

---

## TYPE OF CLAIM

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Unpaid Account     | <input type="checkbox"/> Contract          | <input type="checkbox"/> Motor Vehicle Accident |
| <input type="checkbox"/> Promissory Note    | <input type="checkbox"/> Services Rendered | <input type="checkbox"/> N.S.F. cheque          |
| <input type="checkbox"/> Damage to Property | <input type="checkbox"/> Lease             | <input type="checkbox"/> Other/ .....           |

## REASONS FOR CLAIM AND DETAILS

(Explain what happened, where and when *and* the amounts of money involved.)

.....

.....

If the claim is based in whole or in part on a document, attach a copy of the document to the claim, or if the document is lost or unavailable, explain why it is not attached.

.....  
(Date)

.....  
(Clerk's signature)



## Formule 7A

## DEMANDE DU DEMANDEUR

## AU DÉFENDEUR :

.....  
(nom du défendeur)

Le demandeur vous demande paiement de ..... \$, ainsi que des dépens, pour le/les motif(s) énoncé(s) ci-dessous.

**SI VOUS NE DÉPOSEZ PAS DE DÉFENSE AUPRÈS DU TRIBUNAL AU PLUS TARD VINGT (20) JOURS APRÈS AVOIR REÇU LA PRÉSENTE DEMANDE, UN JUGEMENT PEUT ÊTRE INSCRIT CONTRE VOUS.**

---

## NATURE DE LA DEMANDE

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Compte impayé               | <input type="checkbox"/> Contrat             | <input type="checkbox"/> Accident de véhicule automobile |
| <input type="checkbox"/> Billet                      | <input type="checkbox"/> Services rendus     | <input type="checkbox"/> Chèque sans provision           |
| <input type="checkbox"/> Dommages causés à des biens | <input type="checkbox"/> Contrat de location | <input type="checkbox"/> Autre : .....                   |

## MOTIFS DE LA DEMANDE ET PRÉCISIONS

(Expliquer ce qui est arrivé, indiquer le lieu et le moment de l'incident *et* préciser les sommes d'argent en cause.)

.....  
.....

Si la demande est fondée en tout ou en partie sur un document, annexer une copie de celui-ci à la demande. Si le document est perdu ou n'est pas disponible, expliquer pourquoi il n'est pas annexé.

.....  
(date).....  
(signature du greffier)

## Form 8A

CERTIFICATE OF SERVICE  
BAILIFF OR BAILIFF'S OFFICER

I, .....  
bailiff (or bailiff's officer) of the ..... Small Claims Court, certify that I have served  
the .....  
(name of document)

☐ Personally on ..... ,  
(Name of Person Served)  
on .....  
(Date)

OR  
☐ by leaving a copy of document in a sealed envelope addressed to the defendant with:

..... at .....  
(Name of Person document was left with) (Address)

and by mailing another copy of the document addressed to the defendant at:

.....  
(Address where mailed to)

on .....  
(Date)

.....  
(Date)

.....  
(Signature of bailiff/deputy bailiff)

## Formule 8A

## CERTIFICAT DE SIGNIFICATION DE L'HUISSIER OU DU REPRÉSENTANT DE L'HUISSIER

Je soussigné(e), ..... , huissier (ou représentant de  
l'huissier) de la Cour des petites créances de ..... , certifie avoir signifié

.....  
(titre du document)

☐ à personne à ..... ,  
(nom du destinataire)

le .....  
(date)

OU

☐ en laissant une copie du document dans une enveloppe scellée portant l'adresse du défendeur à :

..... au .....  
(nom de la personne qui a reçu le document) (adresse)

et en envoyant par la poste une autre copie du document adressée au défendeur à :

.....  
(adresse à laquelle la copie a été envoyée par la poste)

le .....  
(date)

.....  
(date)

.....  
(signature de l'huissier/de l'huissier adjoint)

## Form 8B

## AFFIDAVIT OF SERVICE

I, ..... , of the .....  
 (full name) (City, Town, etc.)

of ..... in the ..... of .....  
 (Name of City/Town) (County/Regional Municipality, etc.) (Name of County/Regional Municipality)

## MAKE OATH AND SAY (or AFFIRM):

I have served the ..... on .....  
 (Name of document) (Name of person)

☐ personally on ..... by leaving a copy with him/her  
 (Date)

at .....  
 (Address where document was served)

*I was able to identify the person by means of (state the means by which the person's identity was ascertained.)* .....

OR

☐ by leaving a copy of the ..... in a sealed envelope addressed  
 (Name of document)

to ..... with .....  
 (Name of party to be served) (Identify person served, if known)

who appeared to be an adult member of the same household in which

.....  
 (Name of person to be served)

resides at .....  
 (Address where service was made)

..... and by sending another copy of the .....  
 (Name of Document)

by regular lettermail addressed to ..... at the same address  
 (Name of party to be served)

on ..... ;  
 (Date)

OR

☐ by sending a copy of the ..... in an envelope showing  
 (Name of document)

my return address to ..... by regular lettermail/registered mail  
 (Name of party to be served) (Cross out method of mail not used)

at ..... on .....  
 (Address to which the document was mailed) (Date)

I believe that this is the address of ..... because  
(Name of party to be served)  
.....  
(State reason for belief here)  
.....

The document has not been returned to me and I have no reason to believe that it was not received by  
.....  
(Name of party to be served)

*NOTE: A claim served by mail is not considered to have been served until twenty days have elapsed from the date of mailing. Accordingly, the affidavit of service cannot be completed until twenty days from mailing have elapsed.*

OR

☐ Specify other method of service, e.g. service on a corporation (*identify person served and position in the corporation*), service on a party's solicitor, etc.  
.....  
.....

**SWORN (OR AFFIRMED) BEFORE ME AT**

this ..... day of ..... 199 ...

.....  
Signature

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS  
(or as may be)

<b>WARNING</b>	<b>IT IS A CRIMINAL OFFENCE TO KNOWINGLY SWEAR A FALSE AFFIDAVIT</b>
----------------	--

## Formule 8B

## AFFIDAVIT DE SIGNIFICATION

Je soussigné(e), ..... de la/du .....  
(nom et prénoms) (ville, etc.)

de ..... dans le/la .....  
(nom de la ville, etc.) (comté, municipalité régionale, etc.)

de .....  
(nom du comté/de la municipalité régionale, etc.)

DÉCLARE SOUS SERMENT (ou AFFIRME SOLENNELLEMENT) ce qui suit :

J'ai signifié le ..... à .....  
(titre du document) (nom de la personne)

☐ à personne le ..... en lui en laissant une copie au .....  
(date) (adresse où le document a été signifié)

*J'ai pu identifier la personne de la façon suivante (préciser le moyen utilisé pour établir l'identité de la personne) : .....*

OU

☐ en laissant une copie de ..... dans une enveloppe scellée portant l'adresse de  
(titre du document)

..... auprès de .....  
(nom de la partie destinataire) (nom de la personne qui a reçu signification, s'il est connu)

majeure et qui semblait habiter sous le même toit que .....  
(nom du destinataire)

domicilié(e) au .....  
(adresse où la signification a été faite)

et en envoyant une autre copie de ..... par courrier ordinaire, adressée à  
(titre du document)

....., à la même adresse, le ..... ;  
(nom de la partie destinataire) (date)

OU

☐ en envoyant une copie de ..... dans une enveloppe portant mon adresse  
(titre du document)

d'expéditeur à ..... par courrier ordinaire/recommandé  
(nom de la partie destinataire) (rayer la mention inutile)

au ..... le .....  
(adresse d'envoi du document) (date)

Je crois que cette adresse est celle de .....  
(nom de la partie destinataire)

parce que .....  
(motiver votre réponse)

Le document ne m'a pas été retourné et je n'ai aucune raison de croire qu'il n'a pas été reçu par

.....  
(nom de la partie destinataire)

**REMARQUE :** La demande signifiée par la poste n'est pas considérée comme ayant été signifiée avant la fin de la période de 20 jours qui suit la date de la mise à la poste. En conséquence, l'affidavit de signification ne peut être établi avant la fin de la période de 20 jours qui suit la mise à la poste.

OU

- ☐ Préciser tout autre mode de signification utilisé, p. ex. la signification à une personne morale (préciser le nom de la personne qui a reçu la signification et son poste au sein de la personne morale), la signification au procureur d'une partie, etc.

**DÉCLARÉ SOUS SERMENT (ou AFFIRMÉ SOLENNELLEMENT) DEVANT MOI À**

le ..... 199...

.....  
(signature)

.....  
**COMMISSAIRE AUX AFFIDAVITS**  
(ou la personne autorisée)

**AVERTISSEMENT**

**FAIRE SCIEMMENT UN FAUX AFFIDAVIT  
CONSTITUE UNE INFRACTION CRIMINELLE.**

## Form 9A

## DEFENCE

- ☐ I/We dispute the full claim made by the plaintiff.
- ☐ I/We admit the plaintiff's full claim and propose the following terms of payment.

\$ ..... per ..... commencing

- ☐ I/We admit part of the plaintiff's claim amounting to \$ ..... and propose the following terms of payment: \$ ..... per ..... commencing .....
- ☐ I/we dispute the balance of the claim.

## REASONS FOR DISPUTING THE CLAIM AND DETAILS:

If the defence is based in whole or in part on a document, attach a copy of the document to the defence, or if the document is lost or unavailable, explain why it is not attached.

## NOTE:

If the defence contains a proposal for terms of payment, the plaintiff is deemed to have accepted the terms unless the plaintiff, in writing to the clerk, disputes the proposal and requests a hearing within 20 days of service of a copy of the DEFENCE.

**IF THE DEFENDANT FAILS TO MAKE PAYMENT IN ACCORDANCE WITH THE TERMS OF PAYMENT PROPOSED, THE CLERK MAY SIGN JUDGMENT FOR THE UNPAID BALANCE WITHOUT A HEARING.**

.....  
(Date)

.....  
(Defendant's Signature or Solicitor/Agent's Name)



## Formule 9A

## DÉFENSE

- ☐ Je conteste/Nous contestons la totalité de la demande présentée par le demandeur.
- ☐ Je reconnais/Nous reconnaissons être redevable(s) de la totalité de la demande du demandeur et propose/proposons les modalités de paiement suivantes :
- ..... \$ par ....., à compter du .....
- ☐ Je reconnais/Nous reconnaissons être redevable(s) d'une partie de la demande du demandeur, soit ..... \$, et propose/proposons les modalités de paiement suivantes :
- ..... \$ par ....., à compter du .....
- ☐ Je conteste/Nous contestons le reliquat de la demande.

## MOTIFS DE CONTESTATION DE LA DEMANDE ET PRÉCISIONS

.....

.....

Si la défense est fondée en tout ou en partie sur un document, annexer une copie de celui-ci à la défense. Si le document est perdu ou n'est pas disponible, expliquer pourquoi il n'est pas annexé.

## REMARQUE :

Si la défense comprend une proposition à l'égard des modalités de paiement, le demandeur est réputé les avoir acceptées, sauf s'il conteste, par écrit auprès du greffier, la proposition en demandant la tenue d'une audience dans les 20 jours de la signification d'une copie de la DÉFENSE.

**SI LE DÉFENDEUR N'EFFECTUE PAS LES PAIEMENTS CONFORMÉMENT AUX MODALITÉS PROPOSÉES, LE GREFFIER PEUT CONSIGNER UN JUGEMENT POUR LE SOLDE IMPAYÉ, SANS QU'UNE AUDIENCE SOIT TENUE.**

.....  
(date)

.....  
(signature du défendeur ou de son procureur/mandataire)

## Form 9B

REQUEST FOR A HEARING  
(DISPUTE OF PROPOSAL OF TERMS OF PAYMENT)

## TO THE COURT:

I ..... , dispute the defendant's proposal to terms of payments to the claim filed, and request that a hearing be held in this proceeding for the following reasons: *(Give reasons for request).*

.....

.....

.....  
(Signature of party, solicitor or agent)

## Formule 9B

DEMANDE D'AUDIENCE  
(CONTESTATION DES MODALITÉS DE PAIEMENT PROPOSÉES)

## AU TRIBUNAL :

Je soussigné(e), ..... , conteste les modalités de paiement proposées par le défendeur à la demande que j'ai déposée, et demande qu'une audience soit tenue dans l'instance pour les motifs suivants : *(donner les motifs de la demande)*

.....

.....

.....  
(signature de la partie, du procureur ou du mandataire)

## Form 9C

## ORDER AS TO TERMS OF PAYMENT

At a hearing held on ..... the  
 (Date) (Year)  
 following terms of payment for a total of \$ ..... and \$ ..... were ordered.  
 (Claim) (Costs)

.....  
 (Date order made)

.....  
 (Signature of referee/designated person)

**NOTE:**

**If the defendant fails to make payment in accordance with this order, the clerk shall sign judgment for the balance without a hearing.**

## Formule 9C

## ORDONNANCE RELATIVE AUX MODALITÉS DE PAIEMENT

Lors d'une audience tenue le ..... 19 ..... les modalités de paiement suivantes à l'égard de la somme totale  
 (date) (année)  
 comprenant ..... \$ et ..... \$, ont été ordonnées.  
 (demande) (dépens)

.....  
 (date de l'ordonnance)

.....  
 (signature de l'arbitre/de la personne désignée)

**REMARQUE :**

**Si le défendeur n'effectue pas les paiements conformément à la présente ordonnance, le greffier consigne un jugement pour le solde impayé, sans qu'une audience soit tenue.**

## Form 10A

## DEFENDANT'S CLAIM

**TO THE DEFENDANT IN THE DEFENDANT'S CLAIM:** .....

The Plaintiff in the defendant's claim in this action claims from you \$ ....., and costs for the reason(s) set out below.

**IF YOU DO NOT FILE A DEFENCE WITH THE COURT WITHIN TWENTY (20) DAYS AFTER YOU HAVE RECEIVED THIS DEFENDANT'S CLAIM, JUDGMENT MAY BE ENTERED AGAINST YOU.**

---

**TYPE OF CLAIM**

- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Unpaid Account     | <input type="checkbox"/> Contract          | <input type="checkbox"/> Motor Vehicle Accident |
| <input type="checkbox"/> Promissory Note    | <input type="checkbox"/> Services Rendered | <input type="checkbox"/> N.S.F. cheque          |
| <input type="checkbox"/> Damage to Property | <input type="checkbox"/> Lease             | <input type="checkbox"/> Other                  |

**REASONS FOR CLAIM AND DETAILS**

(Explain what happened, where and when *and* the amounts of money involved.) Reasons for claim and details

.....  
.....

If the claim is based in whole or in part on a document, attach a copy of the document to the defendant's claim, or if the document is lost or unavailable, explain why it is not attached.

.....  
(Date)

.....  
(Signature of Clerk)

## Formule 10A

## DEMANDE DU DÉFENDEUR

**AU DÉFENDEUR DANS LA DEMANDE DU DÉFENDEUR :** .....

Le demandeur dans la demande du défendeur présentée dans le cadre de l'action vous demande paiement de ..... \$, ainsi que des dépens pour le/les motif(s) énoncé(s) ci-dessous.

**SI VOUS NE DÉPOSEZ PAS DE DÉFENSE AUPRÈS DU TRIBUNAL AU PLUS TARD VINGT (20) JOURS APRÈS AVOIR REÇU LA PRÉSENTE DEMANDE DU DÉFENDEUR, UN JUGEMENT PEUT ÊTRE INSCRIT CONTRE VOUS.**

---

**NATURE DE LA DEMANDE**

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Compte impayé               | <input type="checkbox"/> Contrat             | <input type="checkbox"/> Accident de véhicule automobile |
| <input type="checkbox"/> Billet                      | <input type="checkbox"/> Services rendus     | <input type="checkbox"/> Chèque sans provision           |
| <input type="checkbox"/> Dommages causés à des biens | <input type="checkbox"/> Contrat de location | <input type="checkbox"/> Autre :                         |

**MOTIFS DE LA DEMANDE ET PRÉCISIONS**

(Expliquer ce qui est arrivé, indiquer le lieu et le moment de l'incident *et* préciser les sommes d'argent en cause.)

.....  
.....

Si la demande est fondée en tout ou en partie sur un document, annexer une copie de celui-ci à la demande du défendeur. Si le document est perdu ou n'est pas disponible, expliquer pourquoi il n'est pas annexé.

.....  
(date)

.....  
(signature du greffier)

## Form 11A

## NOTICE OF DEFAULT JUDGMENT

**NOTE:** Take notice that default judgment has been entered in this action as against .....  
for the following sums:

Debt	\$ .....
Pre-judgment Interest	\$ .....
Costs	\$ .....
<b>Sub-Total</b>	<b>\$ .....</b>

Post-judgment Interest at ..... per cent per annum commencing this date.

.....  
(Date) ..... (Clerk)

## Formule 11A

## AVIS DE JUGEMENT PAR DÉFAUT

**REMARQUE :** Veuillez prendre note qu'un jugement par défaut a été inscrit dans l'action contre .....  
à l'égard des sommes suivantes :

Dette	.....	\$
Intérêts antérieurs au jugement	.....	\$
Dépens	.....	\$
<b>Total partiel</b>	<b>.....</b>	<b>\$</b>

Intérêts postérieurs au jugement calculés au taux annuel de ..... pour cent, à partir de la date du présent avis.

.....  
(date) ..... (greffier)

**Form 13A**

**REQUEST FOR PRE-TRIAL CONFERENCE**

**TO THE COURT:**

I, ..... request that a pre-trial conference be held in this proceeding.

.....  
(Signature of party, solicitor or agent)

**Formule 13A**

**DEMANDE DE CONFÉRENCE PRÉPARATOIRE AU PROCÈS**

**AU TRIBUNAL :**

Je soussigné(e), ..... , demande la tenue d'une conférence préparatoire au procès dans le cadre de l'instance.

.....  
(signature de la partie, du procureur ou du mandataire)

## Form 15A

## NOTICE OF MOTION

**TAKE NOTICE:**

A motion will be made to the court by ..... at  
(Name of party)

..... on .....  
(Name and location of court) (Date)

at ..... (or so soon thereafter as the motion can be heard) for the following order: *(Specify)*  
(Time)

The following material will be relied on at the hearing of the motion: *(Specify, and where an affidavit is to be relied on, attach a copy.)*

**TAKE NOTICE:** If you fail to appear at the hearing of this motion, an order may be made in your absence.

.....  
(Date)

.....  
(Signature of party or party's lawyer/agent)



Formule 15A

AVIS DE MOTION

PRENEZ NOTE :

..... présentera une motion au tribunal.  
(nom de la partie)  
à/au ..... le .....  
(nom et adresse du tribunal) (date)  
à ..... (ou dès que la motion pourra être entendue) en vue d'obtenir l'ordonnance suivante: (*préciser*)  
(heure)  
.....  
.....

Lors de l'audition, les documents suivants seront présentés à l'appui de la motion : (*Préciser lesquels, et si un affidavit est présenté, en annexer une copie.*)  
.....  
.....

PRENEZ NOTE : Si vous ne vous présentez pas à l'audition de la présente motion, une ordonnance peut être rendue en votre absence.

.....  
(date) (signature de partie ou de son avocat/mandataire)

## Form 15B

## AFFIDAVIT

I, (full name) ....., of the (City, Town, etc.) .....  
of ..... in the (County, Regional Municipality, etc.) of .....

**MAKE OATH AND SAY (or AFFIRM):**

(Give facts in support of the motion. If the facts are not within your own personal knowledge, give the source of your information or the grounds for your belief.)

**SWORN (or AFFIRMED) BEFORE ME AT**

this ..... day of ....., 199 ..

.....  
(Signature)

.....  
A COMMISSIONER FOR TAKING AFFIDAVITS  
(or as may be)

<b>WARNING</b>	<b>IT IS A CRIMINAL OFFENCE TO KNOWINGLY SWEAR A FALSE AFFIDAVIT</b>
----------------	--

### Formule 15B

# AFFIDAVIT

Je soussigné(e), ..... , de la/du .....  
(nom et prénoms) (ville, etc.)

de ..... dans le/la .....  
(nom de la ville, etc.) (comté, municipalité régionale, etc.)

de .....  
(nom du comté/de la municipalité régionale, etc.)

**DÉCLARE SOUS SERMENT (ou AFFIRME SOLENNELLEMENT) ce qui sult :**

(Indiquez les faits à l'appui de la motion. Si vous n'avez pas une connaissance directe des faits, indiquez la source de vos renseignements ou les motifs sur lesquels se fonde votre conviction.)

.....

**DÉCLARÉ SOUS SERMENT (ou AFFIRMÉ SOLENNELLEMENT) DEVANT MOI À**

le ..... 199 ..

.....  
(signature)

**COMMISSAIRE AUX AFFIDAVITS**  
(ou la personne autorisée)

<b>AVERTISSEMENT</b>	<b>FAIRE SCIEMMENT UN FAUX AFFIDAVIT CONSTITUE UNE INFRACTION CRIMINELLE.</b>
----------------------	---

## Form 16A

## NOTICE OF TRIAL

**TAKE NOTICE:** The trial of this action will be held in the .....  
(Name of court)

at .....  
(Location of Court)

on ..... at ..... or so soon thereafter as the trial may be held.  
(Date) (Time)

**TAKE NOTICE: IF YOU FAIL TO APPEAR, THIS ACTION MAY BE DISPOSED OF WITHOUT FURTHER NOTICE TO YOU.**

Dated at ..... this ..... day of ..... 199 ....

.....  
(Clerk)

## Formule 16A

## AVIS DE PROCÈS

**PRENEZ NOTE :** L'instruction de l'action se tiendra à la .....  
(nom du tribunal)

à/au ..... , le .....  
(adresse du tribunal) (date)

à ..... ou dès qu'il sera possible de procéder à l'instruction.  
(heure)

**PRENEZ NOTE : SI VOUS NE VOUS PRÉSENTEZ PAS, IL PEUT ÊTRE DÉCIDÉ DE L'ACTION SANS QUE VOUS RECEVIEZ D'AUTRE AVIS.**

Fait à ..... , le ..... 199 ....

.....  
(greffier)

Form 18A

SUMMONS TO WITNESS

TO: .....  
(Name of witness)

**YOU ARE REQUIRED TO ATTEND TO GIVE EVIDENCE IN COURT** at the trial of this action on ..... ,  
(date)

at ..... at .....  
(time) (address of court)

and to remain until your attendance is no longer required.

**YOU ARE REQUIRED TO BRING WITH YOU** and produce at the trial the following documents and things:  
.....

.....  
(State particular documents and things required)

and all other documents relating to the action in your custody, possession or control.

**IF YOU FAIL TO ATTEND OR TO REMAIN IN ATTENDANCE AS REQUIRED BY THIS SUMMONS, A WARRANT MAY BE ISSUED FOR YOUR ARREST.**

.....  
(Date) (Signature of Clerk)

## Formule 18A

## ASSIGNATION DE TÉMOIN

DESTINATAIRE : .....  
(nom du témoin)

**VOUS ÊTES REQUIS(E) DE VOUS PRÉSENTER DEVANT LE TRIBUNAL POUR TÉMOIGNER** à l'instruction de l'action

le ..... , à ..... , à/au .....  
(date) (heure) (adresse du tribunal)

et d'y demeurer jusqu'à ce que votre présence ne soit plus requise.

**VOUS ÊTES REQUIS(E) D'APPORTER AVEC VOUS** et de produire lors de l'instruction les documents et objets suivants :

.....  
.....

(Indiquer les documents et objets particuliers qui sont requis.)

ainsi que tous les autres documents qui se rapportent à l'action et dont vous avez la garde, la possession ou le contrôle.

**SI VOUS NE VOUS PRÉSENTEZ PAS OU SI VOUS NE DEMEUREZ PAS PRÉSENT(E) COMME L'EXIGE LA PRÉSENTE  
ASSIGNATION, UN MANDAT D'ARRÊT PEUT ÊTRE DÉLIVRÉ CONTRE VOUS.**

.....  
(date)

.....  
(signature du greffier)

## WARRANT FOR ARREST OF DEFAULTING WITNESS

(Signature of judge)

## MANDAT D'ARRÊT D'UN TÉMOIN DÉFAILLANT

(signature du juge)

## Form 20A

## CERTIFICATE OF JUDGMENT

TO THE CLERK OF THE ..... SMALL CLAIMS COURT

Person requesting Certificate is .....  
(Name of person requesting Certificate)of .....  
(Address)A Judgment was recovered in this action against .....  
(Name of person against whom judgment was recovered)on ..... in the ..... Small Claims Court .....  
(Date)

for the following:

Debt \$ .....

Pre-Judgment Interest \$ .....

Costs \$ .....

**Subtotal** \$ .....

Amount paid \$ .....

**Balance Due** \$ .....

Additional Cost \$ .....

**Total** \$ .....The amount unpaid on the judgment is \$ ..... as stated in this certificate and the rate of  
(Total)

postjudgment interest is ..... per cent.

.....  
(Date).....  
(Signature of Clerk)



## Formule 20A

## CERTIFICAT DE JUGEMENT

**AU GREFFIER DE LA COUR DES PETITES CRÉANCES DE .....**

La personne qui demande le certificat est ..... de  
(nom de la personne qui demande le certificat)

.....  
(adresse)

Un jugement a été obtenu dans l'action contre .....  
(nom de la personne contre qui le jugement a été obtenu)

le ..... à la Cour des petites créances de .....  
(date)

à l'égard de ce qui suit :

Dette	.....	\$
Intérêts antérieurs au jugement	.....	\$
Dépens	.....	\$
<b>Total partiel</b>	.....	\$
Montant acquitté	.....	\$
<b>Solde dû</b>	.....	\$
Dépens additionnels	.....	\$
<b>Total</b>	.....	\$

Le montant impayé aux termes du jugement s'élève à ..... \$, tel qu'il est énoncé dans le présent certificat.  
(total)

Le taux des intérêts postérieurs au jugement est de ..... pour cent.

.....  
(date)

.....  
(signature du greffier)

Form 20B

WRIT OF DELIVERY

TO THE BAILIFF OF THE ..... SMALL CLAIMS COURT

Under an order of this court made on .....  
(Date)

YOU ARE DIRECTED to seize from ..... and to deliver without delay to  
(Name of person against whom the order was made)

and to deliver without delay to .....  
(Name of person in whose favour the order was made)

the following personal property: *(set out a description of the property to be delivered together with any identifying marks or serial numbers)*

.....

.....

.....  
(Date)

.....  
(Signature of Clerk)

## Formule 20B

## BREF DE DÉLAISSEMENT

À L'HUISSIER DE LA COUR DES PETITES CRÉANCES DE .....

En vertu d'une ordonnance rendue par ce tribunal le .....  
(date)

NOUS VOUS ENJOIGNONS de saisir auprès de .....  
(nom de la personne contre qui l'ordonnance a été rendue)

et de remettre sans délai à ..... les biens meubles suivants :  
(nom de la personne en faveur de qui l'ordonnance a été rendue)

(Donner la description des biens qui doivent être restitués avec les marques d'identification ou les numéros de série, le cas échéant.)

.....  
(date)

.....  
(signature du greffier)

## Form 20C

## WRIT OF SEIZURE AND SALE OF PERSONAL PROPERTY

TO: BAILIFF OF ..... SMALL CLAIMS COURT

Under an order of this court made on ..... in favour of .....  
(date) (name of creditor)YOU ARE DIRECTED to seize and sell the personal property of ..... situate within your jurisdiction  
(name of debtor)

and to realize from the seizure and sale the following sums:

- |  |          |
|--|----------|
| (A) Debt   | \$ ..... |
| Pre-Judgment Interest at ..... per cent<br>per annum commencing .....  | \$ ..... |
| (B) Costs  | \$ ..... |
| Post-Judgment Interest at ..... per cent<br>per annum commencing ..... | \$ ..... |
| Subsequent costs incurred after judgment                               | \$ ..... |
| This Execution   | \$ ..... |
|  | \$ ..... |
| (C) Your fees and expenses in enforcing this writ                      | \$ ..... |

YOU ARE DIRECTED to pay the proceeds over to the clerk of this court for the creditor

.....  
(Date).....  
(Signature of Clerk)

THIS WRIT REMAINS IN FORCE FOR SIX (6) MONTHS FROM THE DATE OF ITS ISSUE.

## Formule 20C

## BREF DE SAISIE-EXÉCUTION DE BIENS MEUBLES

**DESTINATAIRE : L'HUISSIER DE LA COUR DES PETITES CRÉANCES DE .....**

En vertu d'une ordonnance rendue par ce tribunal le ..... en faveur de .....  
(date) (nom du créancier)

**NOUS VOUS ENJOIGNONS** de saisir les biens meubles de ..... qui se trouvent dans  
(nom du débiteur)

votre ressort et de procéder à leur vente pour réaliser les sommes suivantes :

(A) Dette ..... \$

Intérêts antérieurs au jugement  
calculés au taux annuel de ..... pour cent  
à partir de ..... \$

(B) Dépens ..... \$

Intérêts postérieurs au jugement  
calculés au taux annuel de ..... pour cent  
à partir de ..... \$

Dépens subséquents engagés  
après le jugement ..... \$

Montant de la présente exécution forcée ..... \$

..... \$

(C) Honoraires et frais qui vous sont dus  
pour l'exécution forcée du présent bref ..... \$

**ET NOUS VOUS ENJOIGNONS** de verser le produit de la vente au greffier de ce tribunal pour le compte du créancier.

.....  
(date)

.....  
(signature du greffier)

**LE PRÉSENT BREF RESTE EN VIGUEUR PENDANT SIX (6) MOIS À COMPTER DE LA DATE DE SA DÉLIVRANCE.**

## Form 20D

## WRIT OF SEIZURE AND SALE OF LAND

TO: THE SHERIFF OF .....  
(name of area)

Under an order of this court made on ..... in favour of .....  
(date) (name of creditor)

YOU ARE DIRECTED to seize and sell the real property of ..... situate within your jurisdiction  
(name of debtor)

and to realize from the seizure and sale the following sums:

(A) Debt	\$ .....
Pre-Judgment Interest at ..... per cent per annum commencing .....	\$ .....
(B) Costs	\$ .....
Post-Judgment Interest at ..... per cent per annum commencing .....	\$ .....
Subsequent costs incurred after judgment	\$ .....
This Execution	\$ .....
	\$ .....
(C) Your fees and expenses in enforcing this writ	\$ .....

YOU ARE DIRECTED to pay out the proceeds according to law and to report on the execution of this writ if required by the party or solicitor who filed it.

.....  
(Date)

Issued by .....  
(Clerk)

Court office .....

Formule 20D

BREF DE SAISIE-EXÉCUTION DE BIENS-FONDS

AU shérif de .....  
(nom de la région)

En vertu d’une ordonnance rendue par ce tribunal le ..... en faveur de .....  
(date) (nom du créancier)

NOUS VOUS ENJOIGNONS de saisir les biens immeubles de ..... qui se trouvent dans  
(nom du débiteur)  
votre ressort et de procéder à leur vente pour réaliser les sommes suivantes :

- (A) Dette ..... \$  
Intérêts antérieurs au jugement  
calculés au taux annuel de ..... pour cent  
à partir de ..... \$
- (B) Dépens ..... \$  
Intérêts postérieurs au jugement  
calculés au taux annuel de ..... pour cent  
à partir de ..... \$  
Dépens subséquents engagés  
après le jugement ..... \$  
Montant de la présente exécution forcée ..... \$  
..... \$
- (C) Honoraires et frais qui vous sont dus  
pour l’exécution forcée du présent bref ..... \$

ET NOUS VOUS ENJOIGNONS de verser le produit de la vente conformément à la loi et de faire un rapport sur l’exécution forcée du présent  
bref si la partie ou le procureur qui l’a déposé l’exige.

.....  
(date)

Délivré par .....  
(greffier)  
Greffé : .....

## Form 20E

## NOTICE OF GARNISHMENT

Ontario court (General Division)

..... Small Claims Court

Refer to No.        /

Amount Unsatisfied \$ .....

**Creditor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)
<b>Creditor's Lawyer/Agent (Full Name)</b>
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)

**Debtor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)
<b>Debtor's Lawyer/Agent (Full Name)</b>
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)

**Garnishee**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)



TO: GARNISHEE

A LEGAL PROCEEDING in this court between the creditor and the debtor has resulted in an order that the debtor pay a sum of money to the creditor. The creditor claims that you owe a debt to the debtor. A debt to the debtor includes both a debt payable to the debtor and a debt payable to the debtor and one or more co-owners. The creditor has had this notice of garnishment directed to you as garnishee in order to seize any debt that you owe or will owe to the debtor. Where the debt is payable to the debtor and to one or more co-owners, you must pay one-half of the indebtedness or a greater or lesser amount specified in an order made under subrule 20.08 (15).

Subject to the exemptions provided by section 7 of the *Wages Act*.

YOU ARE REQUIRED TO PAY to the clerk of the ..... Small Claims Court  
(Issuing Court)

- (a) within ten days after this notice is served on you, all debts now payable by you to the debtor; and
- (b) within ten days after they become payable, all debts that become payable by you to the debtor within twenty-four (24) months after this notice is served on you.

The total amount of all your payments to the clerk is not to exceed \$ .....

IF YOU DO NOT PAY THE TOTAL AMOUNT OR SUCH LESSER AMOUNT AS YOU ARE LIABLE TO PAY UNDER THIS NOTICE WITHIN TEN DAYS after this notice is served on you, you must file with the clerk a statement signed by you setting out the particulars of why you have not done so. EACH PAYMENT MUST BE SENT to the clerk at the address shown below.

IF YOU FAIL TO OBEY THIS NOTICE, AN ORDER MAY BE OBTAINED AGAINST YOU BY THE CREDITOR for payment of the amount set out above and the costs of the creditor as may be ordered by the court.

IF YOU MAKE PAYMENT TO ANYONE OTHER THAN THE CLERK, YOU MAY BE LIABLE TO PAY AGAIN.

TO THE CREDITOR, THE DEBTOR AND THE GARNISHEE:

Any party may make a motion to determine any matter in relation to this notice of garnishment.

.....  
(Date)

.....  
(Signature of Clerk)

.....  
(Address of court office)

THIS NOTICE SHALL BE SERVED TOGETHER WITH THE NOTICE TO GARNISHEE.

## Formule 20E

## AVIS DE SAISIE-ARRÊT

Cour de l'Ontario (Division générale)

Cour des petites créances de .....

N° de référence /

Montant impayé : ... \$

**Créancier**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du créancier</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Débiteur**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du débiteur</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Tiers saisi**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)

**DESTINATAIRE : TIERS SAISI**

UNE INSTANCE introduite devant ce tribunal entre le créancier et le débiteur s'est terminée par une ordonnance portant que le débiteur paie une somme d'argent au créancier. Le créancier prétend que vous êtes redevable d'une dette au débiteur. Une dette envers le débiteur comprend à la fois une dette payable au débiteur et une dette payable au débiteur et à un ou plusieurs autres cotitulaires de la créance. Le créancier vous a fait adresser le présent avis de saisie-arêt en vue de saisir la dette dont vous êtes ou serez redevable au débiteur. Si la dette est payable au débiteur et à un ou plusieurs autres cotitulaires de la créance, vous devez payer la moitié de la dette ou le montant plus élevé ou moins élevé précisé dans une ordonnance rendue en vertu du paragraphe 20.08 (15).

**Sous réserve des exemptions prévues à l'article 7 de la *Loi sur les salaires* :**

**VOUS ÊTES REQUIS(E) DE PAYER** au greffier de la Cour des petites créances de .....  
(tribunal délivreur)

- a) dans les dix jours qui suivent la signification du présent avis, toutes les dettes dont vous êtes maintenant redevable au débiteur;
- b) dans les dix jours qui suivent la date à laquelle elles deviennent exigibles, toutes les dettes dont vous deviendrez redevable au débiteur dans les vingt-quatre (24) mois qui suivent la signification du présent avis.

**La totalité des paiements que vous ferez au greffier ne doit pas dépasser ..... \$.**

**SI VOUS NE PAYEZ PAS LE MONTANT TOTAL OU LE MONTANT INFÉRIEUR DONT VOUS ÊTES REDEVABLE AUX TERMES DU PRÉSENT AVIS DANS LES DIX JOURS** qui suivent la signification du présent avis, vous devez déposer auprès du greffier une déclaration signée par vous et dans laquelle vous précisez pourquoi vous ne l'avez pas fait. **CHAQUE PAIEMENT DOIT ÊTRE ENVOYÉ** au greffier, à l'adresse indiquée ci-dessous.

**SI VOUS NE RESPECTEZ PAS LE PRÉSENT AVIS, LE CRÉANCIER PEUT OBTENIR CONTRE VOUS UNE ORDONNANCE** de paiement du montant précisé ci-dessus et des dépens du créancier qu'ordonne le tribunal.

**SI VOUS PAYEZ UNE PERSONNE QUI N'EST PAS LE GREFFIER, VOUS POUVEZ ÊTRE TENU(E) DE PAYER DE NOUVEAU.**

**AU CRÉANCIER, AU DÉBITEUR ET AU TIERS SAISI :**

Une partie peut présenter une motion en vue d'obtenir la décision d'une question relative au présent avis.

.....  
(date)

.....  
(signature du greffier)

.....  
(adresse du greffe)

**LE PRÉSENT AVIS EST SIGNIFIÉ AVEC L'AVIS AU TIERS SAISI.**

## Form 20F

## GARNISHEE'S STATEMENT

Ontario court (General Division)

Claim No. /

..... Small Claims Court

**Creditor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)
Creditor's Lawyer/Agent (Full Name)
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)

**Debtor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)
Debtor's Lawyer/Agent (Full Name)
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No. Fax No. (If any)

**Garnishee**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No. Fax No. (If any)

1. I/We acknowledge that I/we owe or will owe the debtor or the debtor and one or more co-owners the sum of \$ \_\_\_\_\_ , payable on \_\_\_\_\_ (date) because:

(Give reasons why you owe the debtor or the debtor and one or more co-owners money. If you are making payment of less than the amount stated in line 2 of this paragraph because the debt is owed to the debtor and to one or more co-owners or for any other reason, give a full explanation of the reason. If you owe the debtor wages, state how often the debtor is paid. State the gross amount of the debtor's wages before any deductions and the net amount after all deductions and attach a copy of a pay slip.)

.....  
.....

1.1 (If debt owed to debtor and one or more co-owners, check here ☐ and complete the following:)

Co-owner(s) of the Debt \_\_\_\_\_ (name, address)

2. (If you do not owe the debtor money, explain why. Give any other information that will explain your financial relationship with the debtor.)

.....  
.....

3. (If you have been served with any other notice of garnishment or a writ of execution against the debtor, give particulars.)

Name of Creditor	Location of Sheriff	Date of Notice or writ	Date of Service on you
------------------	---------------------	------------------------	------------------------

4. (If you have been served outside Ontario and you wish to object on the ground that service outside Ontario was improper, give particulars of your objection.)

..... (Date)	..... (Signature of or for garnishee)
	..... (Name of garnishee)
	..... (Address)
	..... (Telephone Number)

## Formule 20F

## DÉCLARATION DU TIERS SAISI

Cour de l'Ontario (Division générale)

Demande n° /

Cour des petites créances de .....

**Créancier**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du créancier</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Débiteur**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du débiteur</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Tiers saisi**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)

1. Je/Nous reconnais(sons) que je/nous suis (sommes) ou serai (serons) redevable(s) au débiteur ou au débiteur et à un ou plusieurs autres cotitulaires de la créance de la somme de ..... \$, exigible le ..... , parce que :  
(date)

(Précisez les raisons pour lesquelles vous devez de l'argent au débiteur ou au débiteur et à un ou plusieurs autres cotitulaires de la créance. Si votre paiement est inférieur au montant précisé à la ligne 2 de la présente disposition parce qu'il s'agit d'une dette envers le débiteur et un ou plusieurs autres cotitulaires de la créance ou pour toute autre raison, expliquez-en toutes les raisons. Si vous devez un salaire au débiteur, précisez la fréquence des paiements au débiteur. Précisez le salaire brut du débiteur, avant les retenues, ainsi que le salaire net, après les retenues, et annexe une copie d'un bordereau de paie.)

1.1 (S'il s'agit d'une dette envers le débiteur et un ou plusieurs cotitulaires de la créance, cochez cette case ☐ et remplissez ce qui suit :)

Cotulaire(s) de la créance : .....  
(nom et adresse)

2. (Si vous ne devez aucune somme d'argent au débiteur, expliquez pourquoi. Donnez tout autre renseignement pour expliquer vos rapports financiers avec le débiteur.)

3. Si vous avez reçu signification d'un autre avis de saisie-arrêt ou d'un bref d'exécution forcée contre le débiteur, donnez-en les précisions.)

Nom du créancier

Lieu où se trouve le shérif

Date de l'avis ou du bref

Date de la signification

4. (Si vous avez reçu la signification en dehors de l'Ontario et que vous souhaitez vous opposer parce que cette signification était contraire aux règles, précisez le motif de votre opposition.)

.....  
(date)

.....  
(signature du tiers saisi ou en son nom)

.....  
(nom du tiers saisi)

.....  
(adresse)

.....  
(numéro de téléphone)

**Form 20G****NOTICE TO CO-OWNER OF DEBT****ONTARIO COURT (General Division)****Claim No.**     /..... **Small Claims Court****Creditor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No.
Fax No. (If any)
<b>Creditor's Lawyer/Agent (Full Name)</b>
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No.
Fax No. (If any)

**Debtor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No.
Fax No. (If any)
<b>Debtor's Lawyer/Agent (Full Name)</b>
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No.
Fax No. (If any)

**Garnishee**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No.
Fax No. (If any)



To .....  
(Name of co-owner of Debt)

.....  
(Street and number)

.....  
(City, province, postal code)

.....  
(Phone number and fax number, if any of co-owner of Debt)

**A LEGAL PROCEEDING** in this court between the creditor and the debtor has resulted in an order that the debtor pay a sum of money to the creditor. The creditor has given a notice of garnishment to ..... (Name of Garnishee) claiming that the garnishee owes a debt to the debtor. A debt to the debtor includes both a debt payable to the debtor and a debt payable to the debtor and one or more other co-owners. The garnishee has indicated in the attached garnishee's statement that you are a co-owner. Under the notice of garnishment the garnishee has paid one-half of the indebtedness or a greater or lesser amount specified in an order made under subrule 20.08 (15) to the clerk of the Small Claims Court.

**IF YOU HAVE A CLAIM** to the money being paid to the clerk of the Small Claims Court by the garnishee, you have 30 days from service of this notice to make a motion to the court for a garnishment hearing. If you fail to do so, you may not hereafter dispute the enforcement of the creditor's order for the payment or recovery of money under the Rules of the Small Claims Court and the funds may be paid out to the creditor unless the court orders otherwise.

.....  
(Date)

## Formule 20G

## AVIS AU COTITULAIRE D'UNE CRÉANCE

Cour de l'Ontario (Division générale)

Demande n° /

Cour des petites créances de .....

**Créancier**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
Avocat/mandataire du créancier (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Débiteur**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
Avocat/mandataire du débiteur (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Tiers saisi**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)

**Destinataire :** .....  
(nom du cotitulaire de la créance)

.....  
(numéro et rue)

.....  
(ville, province, code postal)

.....  
(numéro de téléphone et numéro de télécopieur, le cas échéant)

**UNE INSTANCE** introduite devant ce tribunal entre le créancier et le débiteur s'est terminée par une ordonnance portant que le débiteur paie une somme d'argent au créancier. Le créancier a remis un avis de saisie-arrêt à ..... dans lequel il prétend que  
(nom du tiers saisi)

le tiers saisi est redevable d'une dette au débiteur. Une dette envers le débiteur comprend à la fois une dette payable au débiteur et une dette payable au débiteur et à un ou plusieurs autres cotitulaires de la créance. Le tiers saisi a indiqué dans la déclaration du tiers saisi annexée que vous êtes un cotitulaire de la créance. Aux termes de l'avis de saisie-arrêt, le tiers saisi a payé au greffier de la Cour des petites créances la moitié de la dette ou le montant plus élevé ou moins élevé précisé dans une ordonnance rendue en vertu du paragraphe 20.08 (15).

**SI VOUS PRÉTENDEZ AVOIR UN DROIT** sur l'argent que le tiers saisi verse au greffier de la Cour des petites créances, vous disposez de 30 jours à compter de la signification du présent avis pour présenter au tribunal une motion en vue d'obtenir la tenue d'une audience sur la saisie-arrêt. Si vous ne le faites pas, vous ne pourrez par la suite contester l'exécution forcée de l'ordonnance obtenue par le créancier en vue du paiement ou du recouvrement de sommes d'argent aux termes des Règles de la Cour des petites créances et ces sommes pourront être remises au créancier, sauf ordonnance contraire du tribunal.

.....  
(date)

## Form 20H

## NOTICE OF EXAMINATION

Ontario court (General Division)

Claim No. /

..... Small Claims Court

**Creditor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No.
Fax No. (If any)
Creditor's Lawyer/Agent (Full Name)
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No.
Fax No. (If any)

**Debtor**

Full name
Address for Service ( <i>street and number, city, postal code</i> )
Phone No.
Fax No. (If any)
Debtor's Lawyer/Agent (Full Name)
Lawyer/Agent's Address for Service
Lawyer/Agent's Phone No.
Fax No. (If any)

TO: .....  
(name of person to be summoned)On ....., the plaintiff recovered judgment against .....  
(Date) (name of person/party against whom judgment was made)in the ..... for \$ ..... and \$ ..... costs.  
(name of court)

The judgment remains outstanding.

**YOU ARE REQUIRED TO ATTEND AN EXAMINATION** to determine the means .....  
(name of defendant)

has to satisfy this judgment and whether ..... intends to satisfy it or *has* any reason for not doing so.  
(name of defendant)

**THE EXAMINATION WILL BE HELD** at the next sitting of this court at .....  
(location of court)

on ..... at .....  
(Date) (Time)

**TAKE NOTICE THAT IF YOU DO NOT ATTEND AS REQUIRED BY THIS NOTICE OR YOU REFUSE TO ANSWER QUESTIONS, THE COURT MAY FIND YOU IN CONTEMPT OF COURT AND ORDER YOU TO ATTEND FOR A CONTEMPT HEARING.**

.....  
(Date) (Signature of Clerk)

## Formule 20H

## AVIS D'INTERROGATOIRE

Cour de l'Ontario (Division générale)

Demande n° /

Cour des petites créances de .....

**Créancier**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du créancier</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

**Débiteur**

Nom et prénoms
Domicile élu ( <i>numéro et rue, ville, code postal</i> )
N° de téléphone
N° de télécopieur (le cas échéant)
<b>Avocat/mandataire du débiteur</b> (nom et prénoms)
Domicile élu de l'avocat/du mandataire
N° de téléphone de l'avocat/du mandataire
N° de télécopieur (le cas échéant)

DESTINATAIRE : .....  
(nom de la personne assignée)

Le ..... , le demandeur a obtenu un jugement contre  
(date)  
..... devant .....  
(nom de la personne/partie contre qui le jugement a été rendu) (nom du tribunal)

Ce jugement est de ..... \$ et de ..... \$ au titre des dépens et demeure à ce jour impayé.

**VOUS ÊTES REQUIS(E) DE VOUS PRÉSENTER À UN INTERROGATOIRE** visant à déterminer les moyens dont dispose  
..... pour acquitter la somme due aux termes de ce jugement  
(nom du défendeur)  
et visant à décider si ..... a l'intention de l'acquitter ou a des motifs de ne pas le faire.  
(nom du défendeur)

**L'INTERROGATOIRE AURA LIEU** lors de la prochaine session de ce tribunal à/au .....  
(adresse du tribunal)

le ..... , à .....  
(date) (heure)

**PRENEZ NOTE QUE SI VOUS NE VOUS PRÉSENTEZ PAS COMME L'EXIGE LE PRÉSENT AVIS OU SI VOUS REFUSEZ DE RÉPONDRE AUX QUESTIONS, LE TRIBUNAL PEUT VOUS RECONNAÎTRE COUPABLE D'OUTRAGE AU TRIBUNAL ET ORDONNER QUE VOUS VOUS PRÉSENTIEZ À UNE AUDIENCE SUR L'OUTRAGE.**

.....  
(date) (signature du greffier)

## Form 201

## NOTICE OF CONTEMPT HEARING

**TAKE NOTICE:**

That an order for a contempt hearing has been made against you for:

- (a) failure to attend as required by the notice of examination; or
- (b) refusal to answer questions at the examination

The contempt hearing is to be held at ..... on .....  
(Address) (Date)

on ..... beginning at .....  
(Date) (Time)

If you fail to attend this contempt hearing, the court may:

- (a) order that you attend at an examination;
- (b) make an order as to payment; or
- (c) order that you be jailed for a period not exceeding 40 days.

.....  
(Date)

.....  
(Signature of Clerk)



## Formule 20I

## AVIS D'AUDIENCE SUR L'OUTRAGE

**PRENEZ NOTE DE CE QUI SUIVIT :**

Une ordonnance en vue de la tenue d'une audience sur l'outrage a été rendue contre vous pour l'un des motifs suivants :

- a) vous ne vous êtes pas présenté(e) comme l'exigeait l'avis d'interrogatoire;
- b) vous avez refusé de répondre aux questions lors de l'interrogatoire.

L'audience sur l'outrage se tiendra à/au ..... ,  
(adresse)

le ..... , à compter de .....  
(date) (heure)

Si vous ne vous présentez pas à l'audience sur l'outrage, le tribunal peut, selon le cas :

- a) ordonner que vous vous présentiez à un interrogatoire;
- b) rendre une ordonnance de paiement;
- c) ordonner que vous soyez incarcéré(e) pour une période maximale de 40 jours.

.....  
(date)

.....  
(signature du greffier)

## Form 20J

## WARRANT OF COMMITTAL

TO ALL POLICE OFFICERS IN ONTARIO

AND TO THE OFFICERS OF ALL CORRECTIONAL INSTITUTIONS IN ONTARIO:

A NOTICE OF CONTEMPT HEARING was issued from this court by which .....  
(Name of person required to attend Contempt Hearing)

was required to attend the sittings of this court at ..... on .....  
(time) (date)

WHEREAS it has been duly proved that the notice of contempt hearing has been properly served on .....  
(name)

WHEREAS (state facts relating to failure to attend or refusal to answer questions)

.....  
.....

WHEREAS a judge of this court thereupon ordered ..... to be committed  
(name)

YOU ARE ORDERED to take the person named above to the nearest correctional institution and admit and detain him or her there for  
..... days.

This Warrant expires twelve (12) months from the date of issue, unless renewed by court order.

.....  
(Date)

.....  
(Signature of Clerk)

## Formule 20J

## MANDAT DE DÉPÔT

**À TOUS LES AGENTS DE POLICE DE L'ONTARIO**

**ET AUX AGENTS DE TOUS LES ÉTABLISSEMENTS CORRECTIONNELS DE L'ONTARIO :**

Ce tribunal a délivré **UN AVIS D'AUDIENCE SUR L'OUTRAGE** par lequel

..... était requis(e) de se présenter aux  
(nom de la personne devant se présenter à l'audience sur l'outrage)

séances de ce tribunal à ..... , le .....  
(heure) (date)

**ATTENDU QU'IL** a été dûment prouvé que l'avis d'audience sur l'outrage a été signifié en bonne et due forme à .....  
(nom)

**ATTENDU** (*Indiquer les faits liés au défaut de se présenter ou au refus de répondre aux questions.*)

**ATTENDU** qu'un juge de ce tribunal a ordonné le dépôt de .....  
(nom)

**IL VOUS EST ORDONNÉ** d'amener la personne susmentionnée à l'établissement correctionnel le plus proche et de l'y admettre et l'y détenir pendant ..... jours.

Le présent mandat expire douze (12) mois à compter de la date de sa délivrance, sauf si le tribunal le renouvelle par ordonnance.

.....  
(date)

.....  
(signature du greffier)

**ONTARIO REGULATION 259/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 28, 1998  
Filed: May 29, 1998

**RESTRICTED FIRE ZONE**

1. Zone 21 of the East Fire Region, as described in Schedule 2 to Ontario Regulation 207/96, is declared to be a restricted fire zone from 0001 hours on May 29 to 2400 hours on June 3, both inclusive, in the year 1998.

RON VRANCART  
*Deputy Minister of Natural Resources*

Dated on May 28, 1998.

24/98

**ONTARIO REGULATION 260/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 29, 1998  
Filed: May 29, 1998

Revoking O. Reg. 251/98  
(Restricted Fire Zone)

1. Ontario Regulation 251/98 is revoked effective as of 2400 hours on May 29, 1998.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister  
Corporate Services Division  
Ministry of Natural Resources*

Dated on May 29, 1998.

24/98

**ONTARIO REGULATION 261/98**  
made under the  
**FOREST FIRES PREVENTION ACT**

Made: May 29, 1998  
Filed: May 29, 1998

**RESTRICTED FIRE ZONE**

1. Zones 15, 16, 17 and 18 of the East Fire Region, and those lands described in Schedule 'A' hereto in Zone 19 of the East Fire Region, as described in Schedule 2 to Ontario Regulation 207/96, are declared to be a restricted fire zone from 0001 hours on May 30 to 2400 hours on June 3, both inclusive, in the year 1998.

**Schedule 'A'**

In the geographic Township of Humboldt, in the Territorial District of Manitoulin; in the geographic townships of Bertram, Falconer, and Latchford, in the Territorial District of Nipissing; in the geographic townships of Blair, Hardy, McConkey, Mowat, Patterson, in the Territorial District of Parry Sound; in part of the Territorial District of Parry Sound; in the geographic townships of Allen, Bigwood, Scollard, Struthers, Travers, in the Territorial District of Sudbury; and in the geographic Township of Mason, now in the Municipal Township of Cosby, Mason, and Martland, in the Territorial District of Sudbury, all in the Province of Ontario, containing 52,740 hectares, more or less, being composed of those parts of the said geographic townships and of that part the Territorial District of Parry Sound, designated as parts 1 and 2 on sheets 1, 2, 3, 4 and 5 of a plan known as French River Provincial Park filed, on May 1, 1997, with the Office of the Surveyor General of Ontario in the Ministry of Natural Resources at Peterborough, Ontario.

PATRICIA E. MALCOLMSON  
*Assistant Deputy Minister  
Corporate Services Division  
Ministry of Natural Resources*

Dated on May 29, 1998.

24/98

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-06-20

## ONTARIO REGULATION 262/98 made under the FOREST FIRES PREVENTION ACT

Made: June 1, 1998  
Filed: June 1, 1998

Revoking O. Reg. 259/98  
(Restricted Fire Zone)

1. Ontario Regulation 259/98 is revoked effective as of 1200 hours on June 1, 1998.

RON VRANCART  
Deputy Minister of Natural Resources

Dated on June 1, 1998.

25/98

## ONTARIO REGULATION 263/98 made under the FOREST FIRES PREVENTION ACT

Made: June 1, 1998  
Filed: June 1, 1998

Revoking O. Reg. 261/98  
(Restricted Fire Zone)

1. Ontario Regulation 261/98 is revoked effective as of 1200 hours on June 1, 1998.

RON VRANCART  
Deputy Minister of Natural Resources

Dated on June 1, 1998.

25/98

## ONTARIO REGULATION 264/98 made under the ADMINISTRATION OF JUSTICE ACT

Made: February 18, 1998  
Filed: June 1, 1998

Amending Reg. 4 of R.R.O. 1990  
(Fees and Expenses—Jurors and Crown Witnesses)

Note: Regulation 4 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 4 of Regulation 4 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:

4. (1) A person summoned to attend as a member of a jury panel shall only be paid a travel allowance if the person's usual place of residence is more than 40 kilometres from the court to which the person has been summoned.

(2) A person who is selected to be a member of a jury shall only be paid a travel allowance if the person's usual place of residence is not in the city or town where the trial is held and the travel allowance is only payable from the day on which the trial commences.

(3) A travel allowance payable under this section shall be determined in accordance with the following:

1. For travel by private automobile, an amount for each kilometre actually and necessarily travelled at the rate set out in Regulation 11 of the Revised Regulations of Ontario, 1990.

## RÈGLEMENT DE L'ONTARIO 264/98 pris en application de la LOI SUR L'ADMINISTRATION DE LA JUSTICE

pris le 18 février 1998  
déposé le 1<sup>er</sup> juin 1998

modifiant le Règl. 4 des R.R.O. de 1990  
(Honoraires et frais des jurés et des témoins de la Couronne)

Remarque : Le Règlement 4 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'article 4 du Règlement 4 des Règlements refondus de l'Ontario de 1990 est abrogé et remplacé par ce qui suit :

4. (1) La personne convoquée en tant que membre d'un tableau de jurés n'a droit à une indemnité de déplacement que si son lieu de résidence ordinaire se trouve à plus de 40 km du tribunal auquel elle a été convoquée.

(2) La personne choisie membre d'un jury n'a droit à une indemnité de déplacement que si son lieu de résidence ordinaire est à l'extérieur de la cité ou de la ville où se tient le procès. L'indemnité n'est versée qu'à compter de la date d'ouverture du procès.

(3) L'indemnité de déplacement payable aux termes du présent article est déterminée conformément à ce qui suit :

1. Pour les déplacements en voiture particulière, un montant pour chaque kilomètre réellement et nécessairement parcouru, calculé au taux fixé dans le Règlement 11 des Règlements refondus de l'Ontario de 1990.

2. For travel other than by private automobile, the actual necessary and reasonable amount paid for travel.

(4) A travel allowance shall be paid under this section only for travel from the person's usual place of residence to the court to which the person has been summoned or to the place where the trial is held, as the case may be, and back again.

25/98

**ONTARIO REGULATION 265/98**  
made under the  
**POLICE SERVICES ACT**

Made: May 6, 1998  
Filed: June 4, 1998

**DISCLOSURE OF PERSONAL INFORMATION**

1. In this Regulation, an individual shall be deemed to be charged with an offence if he or she,

- (a) is arrested and released in accordance with Part XVI of the *Criminal Code* (Canada); or
- (b) is served with a summons under Part III of the *Provincial Offences Act* in relation to an offence for which an individual may be arrested, even if an information has not been laid at the time the summons is served.

2. (1) A chief of police or his or her designate may disclose personal information about an individual to any person if,

- (a) the individual has been convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act;
- (b) the chief of police or his or her designate who would disclose the personal information reasonably believes that the individual poses a significant risk of harm to other persons or property; and
- (c) the chief of police or his or her designate who would disclose the personal information reasonably believes that the disclosure will reduce that risk.

(2) If subsection (1) applies, the chief of police or his or her designate may disclose any personal information about the individual that the chief of police or his or her designate reasonably believes will reduce the risk posed by the individual.

3. (1) A chief of police or his or her designate may disclose personal information, as described in subsection (2), about an individual to any person if the individual has been charged with, convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act.

(2) If subsection (1) applies, the following information may be disclosed:

- 1. The individual's name, date of birth and address.
- 2. The offence described in subsection (1) with which he or she has been charged or of which he or she has been convicted or found guilty and the sentence, if any, imposed for that offence.

2. Pour les déplacements effectués autrement qu'en voiture particulière, le montant réel, raisonnablement et nécessairement engagé pour le déplacement.

(4) L'indemnité de déplacement n'est versée aux termes du présent article que pour le déplacement de la personne, aller et retour, entre son lieu de résidence ordinaire et le tribunal auquel elle a été convoquée ou le lieu du procès, selon le cas.

**RÈGLEMENT DE L'ONTARIO 265/98**  
pris en application de la  
**LOI SUR LES SERVICES POLICIERS**

pris le 6 mai 1998  
déposé le 4 juin 1998

**DIVULGATION DE RENSEIGNEMENTS  
PERSONNELS**

1. Dans le présent règlement, un particulier est réputé inculqué d'une infraction si, selon le cas :

- a) il est arrêté et mis en liberté conformément à la partie XVI du *Code criminel* (Canada);
- b) une assignation lui est signifiée aux termes de la partie III de la *Loi sur les infractions provinciales* relativement à une infraction pour laquelle un particulier peut être arrêté, même si une dénonciation n'a pas été déposée au moment où l'assignation a été signifiée.

2. (1) Un chef de police ou la personne désignée par ce dernier peut divulguer des renseignements personnels sur un particulier à toute personne si les conditions suivantes sont réunies :

- a) le particulier a été condamné pour une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, ou déclaré coupable d'une infraction à l'une de ces lois;
- b) le chef de police ou la personne désignée par ce dernier qui divulguerait les renseignements personnels a des motifs raisonnables de croire que le particulier risque fortement de causer un préjudice à autrui ou des dommages à des biens;
- c) le chef de police ou la personne désignée par ce dernier qui divulguerait les renseignements personnels a des motifs raisonnables de croire que la divulgation réduira ce risque.

(2) Si le paragraphe (1) s'applique, le chef de police ou la personne désignée par ce dernier peut divulguer les renseignements personnels sur le particulier dont lui-même ou la personne désignée par lui a des motifs raisonnables de croire qu'ils permettront de réduire le risque que représente le particulier.

3. (1) Un chef de police ou la personne désignée par ce dernier peut divulguer à toute personne les renseignements personnels, visés au paragraphe (2), sur un particulier si celui-ci a été inculqué ou déclaré coupable d'une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, ou condamné pour une infraction à l'une de ces lois.

(2) Si le paragraphe (1) s'applique, les renseignements suivants peuvent être divulgués :

- 1. Les nom, date de naissance et adresse du particulier.
- 2. L'infraction visée au paragraphe (1) dont il a été inculqué ou déclaré coupable ou pour laquelle il a été condamné et la peine infligée pour cette infraction, le cas échéant.

3. The outcome of all significant judicial proceedings relevant to the offence described in subsection (1).
4. The procedural stage of the criminal justice process to which the prosecution of the offence described in subsection (1) has progressed and the physical status of the individual in that process (for example, whether the individual is in custody, or the terms, if any, upon which he or she has been released from custody).
5. The date of the release or impending release of the individual from custody for the offence described in subsection (1), including any release on parole or temporary absence.

4. (1) In this section,

“victim” means a person who, as a result of the commission of any offence under the *Criminal Code* (Canada) by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the offence results in the death of the person, includes,

- (a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and
- (b) a dependant or spouse of the person, within the meaning of section 29 of the *Family Law Act*,

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the offence.

(2) A chief of police or his or her designate may disclose to a victim the following information about the individual who committed the offence if the victim requests the information:

1. The progress of investigations that relate to the offence.
2. The charges laid with respect to the offence and, if no charges are laid, the reasons why no charges are laid.
3. The dates and places of all significant proceedings that relate to the prosecution.
4. The outcome of all significant proceedings, including any proceedings on appeal.
5. Any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial.
6. The interim release and, in the event of conviction, the sentencing of an accused.
7. Any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder.
8. Any application for release or any impending release of the individual convicted of the offence, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass.
9. Any escape from custody of the individual convicted of the offence.
10. If the individual accused of committing the offence is found unfit to stand trial or is found not criminally responsible on account of mental disorder,
  - i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
  - ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and

3. L'issue de toutes les instances judiciaires importantes qui se rapportent à l'infraction visée au paragraphe (1).
4. L'étape procédurale du processus pénal à laquelle est rendue la poursuite concernant l'infraction visée au paragraphe (1) et le statut du particulier dans le cadre de ce processus (par exemple, à savoir si le particulier est sous garde, ou les conditions auxquelles il a été mis en liberté, s'il y en a).
5. La date de la mise en liberté ou de la mise en liberté imminente du particulier à l'égard de l'infraction visée au paragraphe (1), y compris toute libération conditionnelle ou absence temporaire.

4. (1) La définition qui suit s'applique au présent article.

«victime» S'entend de la personne qui, par suite de la commission par autrui d'une infraction au *Code criminel* (Canada), subit des maux d'ordre affectif ou physique ou une perte ou des dommages d'ordre matériel ou financier et, si la commission de l'infraction cause le décès de la personne, s'entend également des personnes suivantes :

- a) un enfant ou le père ou la mère de la personne, au sens de l'article 1 de la *Loi sur le droit de la famille*;
- b) une personne à charge ou le conjoint de la personne, au sens de l'article 29 de la *Loi sur le droit de la famille*.

Sont toutefois exclus l'enfant, le père, la mère, la personne à charge ou le conjoint qui sont inculpés ou ont été condamnés pour la commission de l'infraction.

(2) Un chef de police ou la personne désignée par ce dernier peut divulguer à une victime les renseignements suivants sur le particulier qui a commis l'infraction si la victime en fait la demande :

1. L'état d'avancement des enquêtes qui se rapportent à l'infraction.
2. Les accusations portées à l'égard de l'infraction et, en l'absence d'accusations, les motifs pour lesquels aucune accusation n'est portée.
3. Les dates et les lieux où se déroulent les étapes importantes de la poursuite.
4. L'issue des instances importantes, y compris les instances en appel.
5. Les dispositions préparatoires au procès qui sont prises à l'égard d'un plaidoyer pouvant être inscrit par le prévenu au procès.
6. La mise en liberté provisoire du prévenu et, en cas de condamnation, le prononcé de la sentence.
7. Les décisions rendues aux termes de l'article 672.54 ou 672.58 du *Code criminel* (Canada) à l'égard d'un accusé qui fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux.
8. La mise en liberté imminente du particulier condamné pour l'infraction ou toute requête visant à obtenir sa mise en liberté, notamment en vertu d'une permission de sortir accordée conformément à un programme d'absence temporaire, d'une libération conditionnelle ou d'un laissez-passer d'absence temporaire sans escorte.
9. L'évasion du particulier condamné pour l'infraction.
10. Si le particulier accusé d'avoir commis l'infraction fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux, ce qui suit :
  - i. toute audience que tient à l'égard de l'accusé la commission d'examen constituée ou désignée pour l'Ontario conformément au paragraphe 672.38 (1) du *Code criminel* (Canada),
  - ii. l'ordonnance de la commission d'examen prescrivant l'absolution inconditionnelle ou sous condition de l'accusé,

iii. any escape of the accused from custody.

5. (1) A chief of police or his or her designate may disclose any personal information about an individual if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act to,

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

(2) Subsection (1) applies if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act and if the circumstances are such that disclosure is required for the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

(3) The procedures to be followed in disclosing personal information under this section to an agency that is not engaged in the protection of the public or the administration of justice shall be in accordance with a memorandum of understanding entered into between the chief of police and the agency.

6. In deciding whether or not to disclose personal information under this Regulation, the chief of police or his or her designate shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

25/98

**ONTARIO REGULATION 266/98**  
made under the  
**MINISTRY OF CORRECTIONAL SERVICES ACT**

Made: May 6, 1998  
Filed: June 4, 1998

Amending Reg. 778 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 778 has been amended by Ontario Regulation 364/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Regulation 778 of the Revised Regulations of Ontario, 1990 is amended by adding the following Part:

**PART V**  
**DISCLOSURE OF PERSONAL INFORMATION**

59. In this Part, an individual shall be deemed to be charged with an offence if he or she,

- (a) is arrested and released in accordance with Part XVI of the *Criminal Code* (Canada); or

iii. l'évasion de l'accusé.

5. (1) Un chef de police ou la personne désignée par ce dernier peut divulguer des renseignements personnels sur un particulier si celui-ci fait l'objet d'une enquête pour une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, est inculqué ou déclaré coupable de l'infraction ou est condamné pour celle-ci :

- a) soit à un corps de police au Canada;
- b) soit à une administration correctionnelle ou de libération conditionnelle au Canada;
- c) soit à une personne ou à un organisme qui s'occupe de la protection du public, de l'administration de la justice ou de l'exécution ou de l'observation d'une loi ou d'un règlement fédéral ou provincial ou d'un programme du gouvernement fédéral ou provincial.

(2) Le paragraphe (1) s'applique si le particulier fait l'objet d'une enquête pour une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, est inculqué ou déclaré coupable de l'infraction ou est condamné pour celle-ci et si les circonstances sont telles que la divulgation est nécessaire pour la protection du public, l'administration de la justice ou l'exécution ou l'observation d'une loi ou d'un règlement fédéral ou provincial ou d'un programme du gouvernement fédéral ou provincial.

(3) La procédure à suivre pour divulguer des renseignements personnels en vertu du présent article à un organisme ne s'occupant pas de la protection du public ni de l'administration de la justice est conforme au protocole d'entente conclu entre le chef de police et l'organisme.

6. Lorsqu'il décide s'il doit divulguer des renseignements personnels en vertu du présent règlement, le chef de police ou la personne désignée par ce dernier tient compte de la disponibilité des ressources et des renseignements, de ce qui est raisonnable dans les circonstances de l'espèce, de ce qui est compatible avec le droit et l'intérêt public ainsi que de ce qui est nécessaire pour garantir qu'aucun retard ne se produise dans le règlement des instances criminelles.

**RÈGLEMENT DE L'ONTARIO 266/98**  
pris en application de la  
**LOI SUR LE MINISTÈRE DES**  
**SERVICES CORRECTIONNELS**

pris le 6 mai 1998  
déposé le 4 juin 1998

modifiant le Règl. 778 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 778 a été modifié par le Règlement de l'Ontario 364/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le Règlement 778 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction de la partie suivante :

**PARTIE V**  
**DIVULGATION DE RENSEIGNEMENTS PERSONNELS**

59. Dans la présente partie, un particulier est réputé inculqué d'une infraction si, selon le cas :

- a) il est arrêté et mis en liberté conformément à la partie XVI du *Code criminel* (Canada);



- (b) is served with a summons under Part III of the *Provincial Offences Act* in relation to an offence for which an individual may be arrested, even if an information has not been laid at the time the summons is served.

60. (1) A superintendent of a correctional institution, an area manager of a probation and parole office, a member of a Correctional Services Division operations directorate or a Correctional Services Division communications manager may disclose personal information about an individual to a chief of police or his or her designate if,

- (a) the individual has been convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act;
- (b) the person who would disclose the personal information reasonably believes that the individual poses a significant risk of harm to other persons or property; and
- (c) the person who would disclose the personal information reasonably believes that the disclosure will reduce that risk.

(2) If subsection (1) applies, the person authorized by that subsection to disclose personal information may disclose any personal information about the individual that the authorized person reasonably believes will reduce the risk posed by the individual.

61. (1) The chair of the Board of Parole, a superintendent of an institution, area manager of a probation and parole office, member of a Correctional Services Division operations directorate or Correctional Services Division communications manager may disclose personal information, as described in subsection (2), about an individual to any person if the individual has been charged with, convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act.

(2) If subsection (1) applies, the following information may be disclosed:

1. The individual's name, date of birth and address.
2. The offence described in subsection (1) with which he or she has been charged or of which he or she has been convicted or found guilty and the sentence, if any, imposed for that offence.
3. The outcome of all significant judicial proceedings relevant to the offence described in subsection (1).
4. The procedural stage of the criminal justice process to which the prosecution of the offence described in subsection (1) has progressed and the physical status of the individual in that process (for example, whether the individual is in custody, or the terms, if any, upon which he or she has been released from custody).
5. The date of the release or impending release of the individual from custody for the offence described in subsection (1), including any release on parole or temporary absence.

62. (1) In this section,

"victim" means a person who, as a result of the commission of any offence under the *Criminal Code* (Canada) by another, suffers emotional or physical harm, loss of or damage to property or economic harm and, if the commission of the offence results in the death of the person, includes,

- (a) a child or parent of the person, within the meaning of section 1 of the *Family Law Act*, and

- b) une assignation lui est signifiée aux termes de la partie III de la *Loi sur les infractions provinciales* relativement à une infraction pour laquelle un particulier peut être arrêté, même si une dénonciation n'a pas été déposée au moment où l'assignation a été signifiée.

60. (1) Le chef d'établissement d'un établissement correctionnel, le chef de secteur d'un bureau de probation et de libération conditionnelle, un membre d'une direction générale des opérations de la Division des services correctionnels ou le chef des communications de la Division des services correctionnels peut divulguer des renseignements personnels sur un particulier à un chef de police ou à la personne désignée par ce dernier si les conditions suivantes sont réunies :

- a) le particulier a été condamné pour une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, ou déclaré coupable d'une infraction à l'une de ces lois;
- b) la personne qui divulguerait les renseignements personnels a des motifs raisonnables de croire que le particulier risque fortement de causer un préjudice à autrui ou des dommages à des biens;
- c) la personne qui divulguerait les renseignements personnels a des motifs raisonnables de croire que la divulgation réduira ce risque.

(2) Si le paragraphe (1) s'applique, la personne autorisée par ce paragraphe à divulguer des renseignements personnels peut divulguer les renseignements personnels sur le particulier dont elle a des motifs raisonnables de croire qu'ils permettront de réduire le risque que représente le particulier.

61. (1) Le président de la Commission des libérations conditionnelles, le chef d'établissement d'un établissement, le chef de secteur d'un bureau de probation et de libération conditionnelle, un membre d'une direction générale des opérations de la Division des services correctionnels ou le chef des communications de la Division des services correctionnels peut divulguer à toute personne les renseignements personnels, visés au paragraphe (2), sur un particulier si celui-ci a été inculpé ou déclaré coupable d'une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, ou condamné pour une infraction à l'une de ces lois.

(2) Si le paragraphe (1) s'applique, les renseignements suivants peuvent être divulgués :

1. Les nom, date de naissance et adresse du particulier.
2. L'infraction visée au paragraphe (1) dont il a été inculpé ou déclaré coupable ou pour laquelle il a été condamné et la peine infligée pour cette infraction, le cas échéant.
3. L'issue de toutes les instances judiciaires importantes qui se rapportent à l'infraction visée au paragraphe (1).
4. L'étape procédurale du processus pénal à laquelle est rendue la poursuite concernant l'infraction visée au paragraphe (1) et le statut du particulier dans le cadre de ce processus (par exemple, à savoir si le particulier est sous garde, ou les conditions auxquelles il a été mis en liberté, s'il y en a).
5. La date de la mise en liberté ou de la mise en liberté imminente du particulier à l'égard de l'infraction visée au paragraphe (1), y compris toute libération conditionnelle ou absence temporaire.

62. (1) La définition qui suit s'applique au présent article.

«victime» S'entend de la personne qui, par suite de la commission par autrui d'une infraction au *Code criminel* (Canada), subit des maux d'ordre affectif ou physique ou une perte ou des dommages d'ordre matériel ou financier et, si la commission de l'infraction cause le décès de la personne, s'entend également des personnes suivantes :

- a) un enfant ou le père ou la mère de la personne, au sens de l'article 1 de la *Loi sur le droit de la famille*;

- (b) a dependant or spouse of the person within the meaning of section 29 of the *Family Law Act*,

but does not include a child, parent, dependant or spouse who is charged with or has been convicted of committing the offence.

(2) The chair of the Board of Parole, a superintendent of an institution, an area manager of a probation and parole office, a member of a Correctional Services Division operations directorate or a Correctional Services Division communications manager may disclose to a victim the following information about the individual who committed the offence if the victim requests the information:

1. The progress of investigations that relate to the offence.
2. The charges laid with respect to the offence and, if no charges are laid, the reasons why no charges are laid.
3. The dates and places of all significant proceedings that relate to the prosecution.
4. The outcome of all significant proceedings, including any proceedings on appeal.
5. Any pretrial arrangements that are made that relate to a plea that may be entered by the accused at trial.
6. The interim release and, in the event of conviction, the sentencing of an accused.
7. Any disposition made under section 672.54 or 672.58 of the *Criminal Code* (Canada) in respect of an accused who is found unfit to stand trial or who is found not criminally responsible on account of mental disorder.
8. Any application for release or any impending release of the individual convicted of the offence, including release in accordance with a program of temporary absence, on parole or on an unescorted temporary absence pass.
9. Any escape from custody of the individual convicted of the offence.
10. If the individual accused of committing the offence is found unfit to stand trial or is found not criminally responsible on account of mental disorder,
  - i. any hearing held with respect to the accused by the Review Board established or designated for Ontario pursuant to subsection 672.38 (1) of the *Criminal Code* (Canada),
  - ii. any order of the Review Board directing the absolute or conditional discharge of the accused, and
  - iii. any escape of the accused from custody.

63. (1) The chair of the Board of Parole, a superintendent of an institution, an area manager of a probation and parole office, a member of a Correctional Services Division operations directorate or a Correctional Services Division communications manager may disclose any personal information about an individual in the circumstances described in subsection (2) to,

- (a) any police force in Canada;
- (b) any correctional or parole authority in Canada; or
- (c) any person or agency engaged in the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

- (b) une personne à charge ou le conjoint de la personne, au sens de l'article 29 de la *Loi sur le droit de la famille*.

Sont toutefois exclus l'enfant, le père, la mère, la personne à charge ou le conjoint qui sont inculpés ou ont été condamnés pour la commission de l'infraction.

(2) Le président de la Commission des libérations conditionnelles, le chef d'établissement d'un établissement, le chef de secteur d'un bureau de probation et de libération conditionnelle, un membre d'une direction générale des opérations de la Division des services correctionnels ou le chef des communications de la Division des services correctionnels peut divulguer à une victime les renseignements suivants sur le particulier qui a commis l'infraction si la victime en fait la demande :

1. L'état d'avancement des enquêtes qui se rapportent à l'infraction.
2. Les accusations portées à l'égard de l'infraction et, en l'absence d'accusations, les motifs pour lesquels aucune accusation n'est portée.
3. Les dates et les lieux où se déroulent les étapes importantes de la poursuite.
4. L'issue des instances importantes, y compris les instances en appel.
5. Les dispositions préparatoires au procès qui sont prises à l'égard d'un plaidoyer pouvant être inscrit par le prévenu au procès.
6. La mise en liberté provisoire du prévenu et, en cas de condamnation, le prononcé de la sentence.
7. Les décisions rendues aux termes de l'article 672.54 ou 672.58 du *Code criminel* (Canada) à l'égard d'un accusé qui fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux.
8. La mise en liberté imminente du particulier condamné pour l'infraction ou toute requête visant à obtenir sa mise en liberté, notamment en vertu d'une permission de sortir accordée conformément à un programme d'absence temporaire, d'une libération conditionnelle ou d'un laissez-passer d'absence temporaire sans escorte.
9. L'évasion du particulier condamné pour l'infraction.
10. Si le particulier accusé d'avoir commis l'infraction fait l'objet d'un verdict d'inaptitude à subir son procès ou d'un verdict de non-responsabilité criminelle pour cause de troubles mentaux, ce qui suit :
  - i. toute audience que tient à l'égard de l'accusé la commission d'examen constituée ou désignée pour l'Ontario conformément au paragraphe 672.38 (1) du *Code criminel* (Canada),
  - ii. l'ordonnance de la commission d'examen prescrivant l'absolution inconditionnelle ou sous condition de l'accusé,
  - iii. l'évasion de l'accusé.

63. (1) Le président de la Commission des libérations conditionnelles, le chef d'établissement d'un établissement, le chef de secteur d'un bureau de probation et de libération conditionnelle, un membre d'une direction générale des opérations de la Division des services correctionnels ou le chef des communications de la Division des services correctionnels peut divulguer des renseignements personnels sur un particulier dans les circonstances visées au paragraphe (2) :

- a) soit à un corps de police au Canada;
- b) soit à une administration correctionnelle ou de libération conditionnelle au Canada;
- c) soit à une personne ou à un organisme qui s'occupe de la protection du public, de l'administration de la justice ou de l'exécution ou de l'observation d'une loi ou d'un règlement fédéral ou provincial ou d'un programme du gouvernement fédéral ou provincial.

(2) Subsection (1) applies if the individual is under investigation of, is charged with or is convicted or found guilty of an offence under the *Criminal Code* (Canada), the *Controlled Drugs and Substances Act* (Canada) or any other federal or provincial Act and if the circumstances are such that disclosure is required for the protection of the public, the administration of justice or the enforcement of or compliance with any federal or provincial Act, regulation or government program.

(3) The procedures to be followed in disclosing personal information under this section to an agency that is not engaged in the protection of the public or the administration of justice shall be in accordance with a memorandum of understanding entered into between the agency and the chair of the Board of Parole, superintendent of an institution, area manager of a probation and parole office, member of a Correctional Services Division operations directorate or Correctional Services Division communications manager, as the case may be.

64. In deciding whether or not to disclose personal information under this Part, the person who is authorized to disclose the information shall consider the availability of resources and information, what is reasonable in the circumstances of the case, what is consistent with the law and the public interest and what is necessary to ensure that the resolution of criminal proceedings is not delayed.

25/98

ONTARIO REGULATION 267/98  
made under the  
SOCIAL HOUSING FUNDING ACT, 1997

Made: June 3, 1998  
Filed: June 4, 1998

Amending O. Reg. 488/97  
(General)

Note: Ontario Regulation 488/97 has been amended by Ontario Regulations 101/98 and 170/98.

1. Ontario Regulation 488/97 is amended by adding the following section:

4.1 (1) Costs attributable to a housing project owned by a non-profit corporation set out in the Schedule do not form part of provincial social housing costs, regardless of whether the housing project is located on land owned or leased by the corporation, if,

- (a) the corporation has entered into an operating agreement or memorandum of understanding respecting the housing project with the Minister, the Ministry, the Ontario Housing Corporation, an agent of the Crown in right of Ontario, an agent of the Crown in right of Canada or any combination of them; and
- (b) the corporation is receiving funding for support services that are delivered or available to all tenants of the housing project from the Ministry of Community and Social Services, the Ministry of Health or both or support services are delivered or available to all tenants of the housing project by an agency whose funding for those services comes from one or both of those ministries.

(2) In this section,

(2) Le paragraphe (1) s'applique si le particulier fait l'objet d'une enquête pour une infraction au *Code criminel* (Canada), à la *Loi réglementant certaines drogues et autres substances* (Canada) ou à toute autre loi fédérale ou provinciale, est inculpé ou est déclaré coupable de l'infraction ou est condamné pour celle-ci et si les circonstances sont telles que la divulgation est nécessaire pour la protection du public, l'administration de la justice ou l'exécution ou l'observation d'une loi ou d'un règlement fédéral ou provincial ou d'un programme du gouvernement fédéral ou provincial.

(3) La procédure à suivre pour divulguer des renseignements personnels en vertu du présent article à un organisme ne s'occupant pas de la protection du public ni de l'administration de la justice est conforme au protocole d'entente conclu entre l'organisme et le président de la Commission des libérations conditionnelles, le chef d'établissement d'un établissement, le chef de secteur d'un bureau de probation et de libération conditionnelle, un membre d'une direction générale des opérations de la Division des services correctionnels ou le chef des communications de la Division des services correctionnels, selon le cas.

64. Lorsqu'elle décide si elle doit divulguer des renseignements personnels en vertu de la présente partie, la personne qui est autorisée à divulguer les renseignements tient compte de la disponibilité des ressources et des renseignements, de ce qui est raisonnable dans les circonstances de l'espèce, de ce qui est compatible avec le droit et l'intérêt public ainsi que de ce qui est nécessaire pour garantir qu'aucun retard ne se produise dans le règlement des instances criminelles.

"support services" means homemaking services and personal support services as defined in the *Long-Term Care Act, 1994*, health care, physical care, counselling and rehabilitation and therapeutic services.

(3) Despite subsection (1), costs attributed to the project called the Addiction and Rehabilitation Centre-Brantford, owned and operated by the Governing Council of the Salvation Army in Canada, do form part of provincial social housing costs.

2. (1) Table 2 of the Regulation is amended by striking out "Township of Red Lake" and "Township of Golden" in Column 1, and the corresponding rows in Column 2, and substituting the following:

Municipality of Red Lake	8.7085 per cent
--------------------------	-----------------

(2) Table 3 of the Regulation is amended by striking out "Township of Carnarvon" and "Township of Sandfield" in Column 1, and the corresponding rows in Column 2, and substituting the following:

Township of Central Manitoulin	19.1624 per cent
--------------------------------	------------------

(3) Table 4 of the Regulation is amended by striking out "Township of Oliver & Paipoonge" in Column 1 and substituting "Municipality of Oliver Paipoonge".

3. The Regulation is amended by adding the following Schedule:

Schedule

- Abbeyfield Houses Soc. Of Port Hope
- Adjustment Into Society Incorporated
- Alpha Court Non-Profit Housing Corporation
- Anglican Houses

Anselma House

Apsley and District Satellite Homes for Seniors Inc.

Arrabon, Incorporated

Barrie & District Association For People with Special Needs

Beth Tikvah Foundation of Hamilton

Brain Injury Services of Hamilton

Branch 133, Legion Village, Inc.

Brantwood Residential Development Centre

Brockville & Area Community Living Association

Brockville Supportive Non-Profit Housing Coalition

Bruce Peninsula Health Services

Burlington Civitan Club

Cambridge Association for the Mentally Handicapped

Camphill Houses Inc.

Canadian Mental Health Association, Barrie-Simcoe Branch

Canadian Mental Health Association, Brant County Branch

Canadian Mental Health Association, Durham Branch

Canadian Mental Health Association, Elgin Branch

Canadian Mental Health Association, Hamilton-Wentworth Branch

Canadian Mental Health Association, Kent County Branch

Canadian Mental Health Association, Niagara Falls Branch

Canadian Mental Health Association, Nipissing Regional Branch

Canadian Mental Health Association, Oxford County Branch

Canadian Mental Health Association, Perth County Branch

Canadian Mental Health Association, Peterborough Branch

Canadian Mental Health Association, Sudbury Branch

Canadian Mental Health Association, Thunder Bay Branch

Canadian Mental Health Association, Timmins Branch

Canadian Mental Health Association, Victoria County Branch

Canadian Mental Health Association, Windsor-Essex County Branch

Cerebral Palsy Parent Council of Toronto

Chapleau Association for Community Living

Christian Horizons (Canada)

Colborne Community Services

Collingwood Community Living

Columbus House (Pembroke) Inc.

Community Living—Fort Erie

Community Living—Huntsville

Community Living—Huron

Community Living—Niagara Falls

Community Living—Stormont County

Community Living (Mississauga)

Community Living Alternatives—Scarborough

Community Living Association (Lanark County)

Community Living Association for South Simcoe

Community Living Timmins Integration Communautaire

Community Head Injury Resource Services of Metropolitan Toronto

Cornwall Area Substance Abuse Treatment Centre

Dufferin Association for Community Living

Dundas County Community Living Inc.

Eden Community House of Toronto

Elgin Association for Community Living

Elliot Lake Women's Group Inc.

Empathy House of Recovery Inc.

Erie's North Shore Housing Inc.

Essex County Association for Community Living

Family Transition Place (Dufferin)

Fife House Foundation Inc.

Friends of L'arche

Gateway Residence of Niagara Inc.

Georgina Association for Community Living

Glengarry Association for Community Living

Good Shepherd Non-Profit Homes Inc.

Grey Bruce Community Health Corporation

Guelph Wellington Association for Community Living

Guelph-Wellington Women In Crisis

Haldimand-Norfolk Resource, Education and Counselling Help

Half-Way House Inc.

Halton Adolescent Support Services

Hamilton Association for Community Living

Handicapped Action Group Incorporated

Harmony Centre for Community Living Inc.

Hearst, Kap., S-R-F Counselling Service/Services de Counselling De Hearst, Kap, S-R-F.

Hébergement Renaissance Inc.

Hesperus Fellowship Community of Ontario

HH Non-Profit Homes Inc.

Hiatus House

Homeward Family Shelter

Hope Seniors Centre - Danforth

House of Compassion of Toronto

House of Welcome Inc.

Houselink Community Homes

Independence Plus Housing Corporation

Ingersoll Supportive Non-Profit Homes Inc.

Interim Place

IOOF Senior Citizens Homes Inc.

James Bay Association for Community Living

- James Street Recovery Program
- Jessie's Centre, Non-Profit Homes Corporation
- Joyce Scott Non-Profit Homes Inc.
- Kapuskasing & District Association for Community Living
- Kenogamisis Non Profit Housing Corporation
- Kerry's Place
- Kerry's Place (Autism) Services
- Kingston Friendship Homes
- K-W Habilitation Services
- L'Arche Ottawa
- LaVerendrye Non-Profit Supportive Housing Corporation
- Leeds Grenville Phased Housing Programme
- Listowel & District Association for Community Living
- London Regional AIDS Hospice
- Madawaska Valley Association for Community Living
- Madison Avenue Housing and Support Services Inc.
- Mains Ouvertes-Open Hands
- Maison D'Amitié
- Maison Fraternité—Fraternity House
- Manitoulin Non-Profit Homes Incorporated
- Mary Centre of the Archdiocese of Toronto
- Metropolitan Toronto Association for Community Living
- Momiji Seniors Residence
- Muki Baum Association for the Rehab. of Multi-Handicapped, Inc.
- Nainstay Non-Profit Buildings Inc.
- New Leaf: Living and Learning Together Inc.
- Newmarket and District Association for Community Living
- North Bay Community Housing Initiatives
- North Grenville Association for Community Living
- North Halton Association for the Developmentally Handicapped
- North Renfrew Health & Social Planning Committee Inc.
- Northern Linkage Community Housing and Support Services
- Northern Regional Recovery Continuum
- Oakville Re-Entry Homes Inc.
- Ongwanada Non-Profit Housing Corporation
- Organization for the Multi-Disabled (Thunder Bay) Inc.
- Orillia Association for the Handicapped
- Ottawa Foyers Partage
- Ottawa Salus Corporation
- Ottawa Valley Autistic Homes
- Ottawa-Carleton Lifeskills Inc.
- Ottawa-Carleton Association for Persons with Developmental Disabilities
- Parents for Community Living Kitchener-Waterloo Inc.
- Participation House Toronto Parents Association
- Participation Lodge—Grey Bruce
- Pathways Non-Profit Housing
- Peace Ranch
- Pembroke & District Association for Community Living
- Phoenix Rising Non-Profit Homes
- Port Colborne District Association for Community Living, Inc.
- Prince Edward Association for Community Living
- Quinac Residence & Supportive Living
- Quinte & Region Community Homes Non-Profit Housing
- Reena Foundation (1992)
- Regeneration House
- Rotary (Don Valley) Cheshire Homes, Inc.
- Saint Monica House
- Salvation Army Village London Housing
- Sarnia and District Association for Community Living
- Sedna Women's Shelter & Support Services Inc.
- Serenity House Inc.
- Sobriety House of Ottawa Inc.
- Society of St. Vincent de Paul, Toronto
- South-East Grey Non-Profit Homes
- St. Catharines Association for Community Living
- St. Catharines Brain Injury Community Re-Entry (Niagara) Inc.
- St. Catharines Mainstream Non-Profit Housing Project
- St. Francis Advocates for Autistic and Developmentally Disabled (Sarnia) Inc.
- St. Jude Community Homes
- St. Leonard's Society of Brant
- St. Matthew's House
- St. Michael's Halfway Homes
- St. Stephen's Residence of Ottawa, Inc.
- Stratford Area Association for Community Living
- Strathroy Housing for the Handicapped Corporation
- Summit Half Way House Inc.
- Sunbeam Residential Development Centre
- TELCI Therapeutic & Educational Living Centres Inc.
- The Brock Cottage Inc.
- The Friends Supporting Those With Long Term Health Care Needs
- The Governing Council of the Salvation Army in Canada
- The Massey Centre for Women
- The North Wentworth Association for the Mentally Retarded, Inc.
- The Oshawa/Clarington Association for Community Living
- The Prescott-Russell Association for Community Living
- The Streethaven at the Crossroads

The Supportive Housing Coalition of Metropolitan Toronto  
 The West Parry Sound Association for Community Living  
 The Women's Centre (Grey-Bruce) Inc.  
 Thunder Bay Seaway Non-Profit Apartments  
 Total Communication Environment  
 Tri Town & District Association for Community Living  
 True Experience Supportive Housing and Community Work Program  
 Turning Point Incorporated  
 Velleman Non-Profit Housing Corporation  
 Violence Against Women, Services Elgin County  
 Waterloo Regional Homes for Mental Health  
 Welcome Home Charitable Non-Profit Housing Corporation  
 Welland District Association for Community Living  
 Welland District Association for Community Living Non-Profit Housing Corp.  
 West Nipissing Association for Community Living  
 Western Ontario Therapeutic Community Hostel  
 Windsor Community Living Support Services  
 Women in Crisis (Algoma) Inc.  
 Women's Emergency Centre, Woodstock, Inc.  
 Woodmar Non-Profit Corporation for the Developmentally Handicapped  
 Xeorixs Homes  
 York South Association for Community Living  
 Young Women's Christian Association of Hamilton  
 Youth Habilitation Quinte Inc.  
 Youth Housing (Markham) Incorporated  
 Youth Services Bureau of Ottawa-Carleton Non Profit Housing Corporation

4. (1) Subject to subsections (2) and (3), this Regulation comes into force on the day it is filed.

(2) Sections 1 and 3 shall be deemed to have come into force on January 1, 1998.

(3) Subsection 2 (1) comes into force on July 1, 1998.

25/98

**ONTARIO REGULATION 268/98**  
 made under the  
**SECURITIES ACT**

Made: April 7, 1998  
 Approved: May 26, 1998  
 Filed: June 4, 1998

Amending Reg. 1015 of R.R.O. 1990  
 (General)

Note: Since January 1, 1997, Regulation 1015 has been amended by Ontario Regulations 247/97, 507/97, 88/98, 130/98, 149/98, 165/98 and 166/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Clause 14 (e) of Regulation 1015 of the Revised Regulations of Ontario, 1990 is revoked.

2. Subsection 19 (5) of the Regulation is revoked.

3. (1) Subsection 21 (1) of Schedule 1 to the Regulation is amended by striking out the portion before clause (a) and substituting the following:

21. (1) A notice under clause 72 (1) (h) of the Act shall be accompanied by a fee equal to the greater of,

(2) Subsection 21 (2) of Schedule 1 to the Regulation is revoked.

4. This Regulation comes into force on the same day as the rule made by the Ontario Securities Commission on April 7, 1998 entitled "Ontario Securities Commission Rule 45-502 Dividend or Interest Reinvestment and Stock Dividend Plans".

ONTARIO SECURITIES COMMISSION:

J. A. GELLER  
 Acting Chair

M. P. CARSCALLEN  
 Vice-Chair

Dated on April 7, 1998.

Note: The rule made by the Ontario Securities Commission on April 7, 1998 entitled "Ontario Securities Commission Rule 45-502 Dividend or Interest Reinvestment and Stock Dividend Plans" comes into force on June 10, 1998.

25/98

# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-06-27

## ONTARIO REGULATION 269/98 made under the PLANNING ACT

Made: June 3, 1998  
Filed: June 8, 1998

Amending O. Reg. 104/72

(Restricted Areas—Regional Municipality of York, Town of Markham)

Note: Ontario Regulation 104/72 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Ontario Regulation 104/72 is amended by adding the following section:

76. (1) Despite sections 4 and 5, two dwellings are permitted on the lands described in subsection (2) as well as accessory buildings and structures if the following requirements are met:

Minimum lot area:	19 hectares
Minimum lot frontage	100 metres
Minimum front and side yards	100 metres
Minimum rear yard	15 metres
Minimum ground floor area	70 square metres

(2) Subsection (1) applies to those lands in the Town of Markham in The Regional Municipality of York being that part of Lot 23 in Concession 8 designated as Parts 1 and 3 on Plan 65R-13863.

AUDREY BENNETT  
Manager

Provincial Planning Services Branch  
Ministry of Municipal Affairs and Housing

Dated on June 3, 1998.

26/98

## ONTARIO REGULATION 270/98 made under the ASSESSMENT ACT

Made: June 10, 1998  
Filed: June 11, 1998

Amending Reg. 30 of R.R.O. 1990  
(Assessment Areas and Regions)

Note: Regulation 30 has not previously been amended.

1. Paragraphs 8, 9, 10 and 11 of section 2 of Regulation 30 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:

8. Assessment Region Number 9, consisting of the part of the City of Toronto that, before 1998, was the former City of Toronto.

9. Assessment Region Number 10, consisting of the part of the City of Toronto that, before 1998, was the former City of North York.

10. Assessment Region Number 11, consisting of the parts of the City of Toronto that, before 1998, were the former City of Scarborough and the former Borough of East York.

11. Assessment Region Number 12, consisting of the parts of the City of Toronto that, before 1998, were the former cities of Etobicoke and York.

ERNIE EVES  
Minister of Finance

Dated on June 10, 1998.

26/98

## ONTARIO REGULATION 271/98 made under the FAMILY BENEFITS ACT

Made: June 10, 1998  
Filed: June 11, 1998

Amending Reg. 366 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 366 has been amended by Ontario Regulations 485/97, 114/98, 138/98 and 230/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 13 (2) of Regulation 366 of the Revised Regulations of Ontario, 1990 is amended by adding the following paragraph immediately after paragraph 16.2:

16.3 That portion of a payment with respect to a dependent child received under subsection 122.61 (1) of the *Income Tax Act* (Canada) that represents item "C" in the formula set out in that subsection,

. . . . .

(2) Paragraph 48 of subsection 13 (2) of the Regulation is revoked and the following substituted:

48. That portion of a payment with respect to a dependent child received under subsection 122.61 (1) of the *Income Tax Act* (Canada) other than the portion that represents item "C" in the formula set out in that subsection.

(3) Subsection 13 (12) of the Regulation is revoked and the following substituted:



(12) Subparagraph iv of paragraph 1 of subsection (2) does not apply to child care expenses,

(a) paid to a beneficiary in respect of whom the recipient receives a benefit; or

(b) with respect to which the recipient has received reimbursement through the Child Care Tax Credit under subsection 8 (15.2) of the *Income Tax Act*.

(4) Section 13 of the Regulation is amended by adding the following subsections:

(18) The Director may pay to Canada on behalf of a person who received benefits part or all of an amount that Canada paid to the person and that was included in the person's income under paragraph 16.3 of subsection (2) if Canada subsequently determines that the person was not eligible for the payment from Canada and notified the Director of that fact.

(19) An amount paid to Canada under subsection (18) shall be deemed to be included in the person's allowance.

(20) Despite paragraph 16.3 of subsection (2), the amount set out in subsection (21) is exempt from income with respect to a person who was a recipient in June and July, 1998 and who, in June, 1998, was receiving a Working Income Supplement Payment in an amount determined under paragraph (c) of the definition of "A" in subsection 122.61 (1) of the *Income Tax Act* (Canada), as it read on June 30, 1998, so long as the person continues to be a recipient.

(21) The amount for the purpose of subsection (20) is the amount the recipient would have received as a Working Income Supplement Payment had clause (c) of the definition of "A" in subsection 122.61 (1) of the *Income Tax Act* (Canada), as it read on June 30, 1998, continued in force.

(5) Subsections 13 (20) and (21) of the Regulation, as made by subsection (4) of this Regulation, are revoked on July 1, 1999.

2. This Regulation comes into force on the day Bill C-36, being a Bill of the 1st session of the 36th Parliament of Canada, receives Royal Assent.

26/98

**ONTARIO REGULATION 272/98**  
made under the  
**ONTARIO WORKS ACT, 1997**

Made: June 10, 1998  
Filed: June 11, 1998

Amending O. Reg. 134/98  
(General)

Note: Ontario Regulation 134/98 has been amended by Ontario Regulation 227/98.

1. The definition of "geographic area" in subsection 1 (1) of Ontario Regulation 134/98 is revoked and the following substituted:

"geographic area" means an area designated as a geographic area for a designated delivery agent;

2. Clause 2 (1) (b) of the Regulation is revoked and the following substituted:

(b) the person resides in the same dwelling place as the applicant or recipient;

3. Subsection 11 (3) of the Regulation is amended by striking out "or in accommodation owned or controlled by his or her parent" in the second line.

4. The Table to paragraph 2 of subsection 42 (2) of the Regulation is amended by striking out the heading "Family Size" and substituting "Benefit Unit Size".

5. Subsection 44 (3) of the Regulation is amended by striking out "or in property owned or controlled by that person" in the third and fourth lines.

6. Section 48 of the Regulation is amended by adding the following subsection:

(5) Subsection (3) does not apply with respect to payments of the Canada Child Tax Benefit received under subsection 122.61 (1) of the *Income Tax Act* (Canada) and relating to a number of months.

7. Subparagraph iv of paragraph 1 of subsection 49 (1) of the Regulation is amended by striking out "and" at the end of sub-subparagraph A, by adding "and" at the end of sub-subparagraph B and by adding the following sub-subparagraph:

C. the recipient has not received reimbursement for the child care expenses through the Child Care Tax Credit under subsection 8 (15.2) of the *Income Tax Act*.

8. Paragraphs 2 and 3 of section 53 of the Regulation are revoked and the following substituted:

2. A payment received under subsection 122.61 (1) of the *Income Tax Act* (Canada) except that portion of the payment with respect to a dependent child that represents item "C" in the formula set out in that subsection.

3. Despite paragraph 2, the amount a member of the benefit unit would have received as a Working Income Supplement Payment had paragraph (c) of the definition of "A" in subsection 122.61 (1) of the *Income Tax Act* (Canada), as it read on June 30, 1998, continued in force if,

i. the person was a recipient of income assistance, income support under the *Ontario Disability Support Program Act, 1997* or benefits under the *Family Benefits Act* in June and July, 1998, and,

ii. in June, 1998, the person was receiving a Working Income Supplement Payment under subsection 122.61 (1) of the *Income Tax Act* (Canada),

so long as the person continues to be a recipient.

9. Part VI of the Regulation is amended by adding the following section:

**TREATMENT OF CANADA CHILD TAX BENEFIT**

54.1 (1) The administrator may pay to Canada on behalf of a person who received income assistance part or all of an amount that Canada paid to the person and that was not excluded from the person's income under paragraph 2 of section 53 if Canada subsequently determines that the person was not eligible for the payment from Canada and notified the Director of that fact.

(2) An amount paid to Canada under subsection (1) shall be deemed to be income assistance.



10. The Regulation is amended by adding the following section:

FAMILY SUPPORT WORKERS

65.1 (1) For the purposes of the Act and the regulations, a family support worker may,

- (a) enter into an agreement on behalf of the delivery agent with a person who has a legal obligation to provide support to a member of the benefit unit under an agreement or a court order or judgment regarding the recovery of income assistance paid for the benefit of that member from that person;
- (b) assist a member of the benefit unit or the delivery agent with legal proceedings, including variation motions and applications, with respect to support for a member of a benefit unit;
- (c) undertake legal proceedings, including variation motions and applications, for support for a member of a benefit unit on behalf of the member or the delivery agent;
- (d) assist a member of a benefit unit in completing an agreement providing for support of a member of a benefit unit, including a domestic contract or a paternity agreement, as defined in section 51 of the *Family Law Act*, and register any such agreement with the Family Responsibility Office for enforcement;
- (e) negotiate an assignment of a support order by a member of a benefit unit on behalf of the delivery agent, serve the assignment as required, register the assignment with the Family Responsibility Office for enforcement and complete supporting documentation including directions regarding payment of funds;
- (f) accept service on behalf of the delivery agent with respect to proceedings respecting support of a member of a benefit unit and respond to applications to vary existing agreements or court orders or judgments with respect to support of such a member;
- (g) undertake investigations and inquiries necessary to carry out his or her duties under this section; and
- (h) collect, use and disclose personal information necessary to carry out his or her duties under this section, in accordance with any agreements entered into under section 71, 72 or 73 of the Act.

(2) Subsection (1) applies with necessary modifications with respect to the pursuit of resources available for the support or maintenance of a member of the benefit unit.

(3) Nothing in subsection (1) or (2) authorizes a family support worker to provide legal advice to any person.

11. (1) Subsection 66 (5) of the Regulation is amended by striking out “(3)” in the fourth line and substituting “(2)”.

(2) Subsection 66 (7) of the Regulation is amended by striking out “kept under” in the third line and substituting “referred to in”.

12. Paragraph 3 of section 53 of the Regulation, as made by section 8 of this Regulation, is revoked on July 1, 1999.

13. (1) Subject to subsections (2) and (3), this Regulation comes into force on July 1, 1998.

(2) Sections 1, 2, 3 and 5 shall be deemed to have come into force on May 1, 1998.

(3) Sections 6, 7, 8, 9 and 12 come into force on the day Bill C-36, being a Bill of the 1st Session of the 36th Parliament of Canada, receives Royal Assent.

26/98

ONTARIO REGULATION 273/98  
made under the  
ONTARIO DISABILITY SUPPORT  
PROGRAM ACT, 1997

Made: June 10, 1998  
Filed: June 11, 1998

Amending O. Reg. 222/98  
(General)

Note: Ontario Regulation 222/98 has not previously been amended.

1. The definition of “geographic area” in subsection 1 (1) of Ontario Regulation 222/98 is revoked and the following substituted:

“geographic area” means an area designated as a geographic area for a designated delivery agent;

2. Clause 2 (1) (b) of the Regulation is revoked and the following substituted:

(b) the person resides in the same dwelling place as the applicant or recipient;

3. The Table to paragraph 2 of subsection 31 (2) of the Regulation is amended by striking out the heading “Family Size” and substituting “Benefit Unit Size”.

4. The Table to paragraph 2 of section 33 of the Regulation is revoked and the following substituted:

TABLE

	Age of Dependant	
	13 Years and Over	0-12 Years
A. Benefit unit with no spouse included		
1. First dependant . . . . .	\$384	\$332
2. For each additional dependant, add to the amount in item 1 . . . . .	186	138
B. Benefit unit with spouse included		
1. For each dependant, add . . .	186	138

5. Section 37 of the Regulation is amended by adding the following subsection:

(4) Subsection (3) does not apply with respect to payments of the Canada Child Tax Benefit received under subsection 122.61 (1) of the *Income Tax Act* (Canada) and relating to a number of months.

6. Subparagraph iv of paragraph 1 of section 38 of the Regulation is amended by striking out “and” at the end of sub-subparagraph A, by adding “and” at the end of sub-subparagraph B and by adding the following sub-subparagraph:

- C. the recipient has not received reimbursement for the child care expenses through the Child Care Tax Credit under subsection 8 (15.2) of the *Income Tax Act*.

**7. Paragraphs 2 and 3 of section 42 of the Regulation are revoked and the following substituted:**

2. A payment received under subsection 122.61 (1) of the *Income Tax Act* (Canada) except that portion of the payment with respect to a dependent child that represents item "C" in the formula set out in that subsection.

3. Despite paragraph 2, the amount a member of the benefit unit would have received as a Working Income Supplement Payment had paragraph (c) of the definition of "A" in subsection 122.61 (1) of the *Income Tax Act* (Canada), as it read on June 30, 1998, continued in force if,

- i. the person was a recipient of income support, income assistance under the *Ontario Works Act, 1997* or benefits under the *Family Benefits Act* in June and July, 1998 and,
- ii. in June, 1998, the person was receiving a Working Income Supplement Payment under subsection 122.61 (1) of the *Income Tax Act* (Canada),

so long as the person continues to be a recipient.

**8. Part V of the Regulation is amended by adding the following section:**

**TREATMENT OF CANADA CHILD TAX BENEFIT**

43.1 (1) The Director may pay to Canada on behalf of a person who received income support part or all of an amount that Canada paid to the person and that was not excluded from the person's income under paragraph 2 of section 42 if Canada subsequently determines that the person was not eligible for the payment from Canada and notified the Director of that fact.

(2) An amount paid to Canada under subsection (1) shall be deemed to be income support.

**9. The Regulation is amended by adding the following section:**

**FAMILY SUPPORT WORKERS**

54.1 (1) For the purposes of the Act and the regulations, a family support worker may,

- (a) enter into an agreement on behalf of the Director with a person who has a legal obligation to provide support to a member of the benefit unit under an agreement or a court order or judgment regarding the recovery of income assistance paid for the benefit of that member from that person;
- (b) assist a member of the benefit unit or the Director with legal proceedings, including variation motions and applications, with respect to support for a member of a benefit unit;
- (c) undertake legal proceedings, including variation motions and applications, for support for a member of a benefit unit on behalf of the member or the Director;
- (d) assist a member of a benefit unit in completing an agreement providing for support of a member of a benefit unit, including a domestic contract or a paternity agreement, as defined in section 51 of the *Family Law Act*, and register any such agreement with the Family Responsibility Office for enforcement;

- (e) negotiate an assignment of a support order by a member of a benefit unit on behalf of the Director, serve the assignment as required, register the assignment with the Family Responsibility Office for enforcement and complete supporting documentation including directions regarding payment of funds;

- (f) accept service on behalf of the Director with respect to proceedings respecting support of a member of a benefit unit and respond to applications to vary existing agreements or court orders or judgments with respect to support of such a member;

- (g) undertake investigations and inquiries necessary to carry out his or her duties under this section; and

- (h) collect, use and disclose personal information necessary to carry out his or her duties under this section, in accordance with any agreements entered into under section 53 or 54 of the Act.

(2) Subsection (1) applies with necessary modifications with respect to the pursuit of resources available for the support or maintenance of a member of the benefit unit.

(3) Nothing in subsection (1) or (2) authorizes a family support worker to provide legal advice to any person.

10. (1) Subsection 55 (5) of the Regulation is amended by striking out "subsection (3)" in the third and fourth lines and substituting "subsection (2)".

(2) Subsection 55 (7) of the Regulation is amended by striking out "kept under subsection (3)" at the end and substituting "referred to in subsection (3)".

11. Paragraph 3 of section 42 of the Regulation, as made by section 7 of this Regulation, is revoked on July 1, 1999.

12. (1) Subject to subsections (2) and (3), this Regulation comes into force on July 1, 1998.

(2) Section 2 shall be deemed to have come into force on June 1, 1998.

(3) Sections 5, 6, 7, 8 and 11 come into force on the day Bill C-36, being a bill of the 1st Session of the 36th Parliament of Canada, receives Royal Assent.

26/98

**ONTARIO REGULATION 274/98**  
made under the  
**ONTARIO WORKS ACT, 1997**

Made: June 10, 1998  
Filed: June 11, 1998

Amending O. Reg. 135/98  
(Administration and Cost Sharing)

Note: Ontario Regulation 135/98 has been amended by Ontario Regulation 228/98.

**1. Section 1 of Ontario Regulation 135/98 is amended by adding the following definitions:**

"designation date", when used in connection with a geographic area or a proposed geographic area, means the first date on which a delivery agent is designated for the geographic area;

"geographic area" means an area designated as a geographic area for a designated delivery agent;

"prescribed costs" means the costs set out in section 13.1;

"proposed geographic area" means an area designated as a geographic area for the purpose of preparing to designate a single delivery agent for it.

## 2. The Regulation is amended by adding the following sections:

### COSTS PRESCRIBED FOR COST SHARING PURPOSES

13.1 The prescribed costs for the purposes of section 51 of the Act are the assistance costs and the costs of administration.

### AGREEMENTS FOR SHARING OF COSTS BY MUNICIPALITIES

13.2 (1) The municipalities set out in the designation of a geographic area or a proposed geographic area may enter into an agreement under which the prescribed costs payable or to be payable by those municipalities under this Regulation are apportioned among them.

(2) The agreement becomes effective,

(a) in the case of a proposed geographic area, on the designation date; or

(b) in the case of a geographic area,

(i) if a date is specified in the agreement, on the specified date, and

(ii) otherwise, on the day the agreement is made.

(3) Subject to subsection (4), the agreement may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

(4) If the delivery agent is a district social services administration board, the agreement shall not be effective with respect to a period before July 1, 1998.

(5) The delivery agent shall provide a copy of the agreement to the Minister forthwith after it is made.

### ARBITRATION PROCESS

13.3 Sections 13.5 to 13.8 do not apply with respect to a geographic area whose delivery agent is a district social services administration board or a band or a proposed geographic area whose delivery agent is to be a district social services administration board or a band.

13.4 Arbitrations under sections 13.5, 13.6 and 13.7 are governed by the *Arbitration Act, 1991*, subject to those sections and to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitration is commenced.

2. If the parties have not appointed an arbitrator, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.

3. The arbitrator shall make a final award that disposes of the issue, within three months after being appointed.

4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.

5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.

6. The arbitration shall not deal with the prescribed costs incurred before the designation date.

7. The final award may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.

10. At any time during the arbitration, the parties may enter into an agreement under section 13.2 that includes an agreement apportioning the costs of the arbitration among the parties, in which case the arbitration terminates.

11. The parties may, at any time, amend the final award by agreement or replace the award with an agreement under section 13.2.

13.5 (1) If, by September 8, 1998, the municipalities set out in the designation of a proposed geographic area have not entered into an agreement under section 13.2, they shall be deemed to have commenced an arbitration on September 8, 1998 of the apportionment among them of the prescribed costs with respect to the proposed geographic area.

(2) At any time before September 8, 1998 a party may, by serving a notice on the other parties, commence an arbitration of the apportionment.

(3) The rules set out in section 13.4 and the following rule apply to an arbitration under subsection (1) or (2):

1. The final award shall come into effect or be deemed to have come into effect on the designation date, and remains in effect unless superseded by an agreement under section 13.2 or a final award in a subsequent arbitration.

13.6 (1) If a final award has been in effect for at least two years, a party may, by serving a notice on the other parties, commence a new arbitration to deal with the apportionment among the parties of the prescribed costs with respect to the geographic area.

(2) The rules set out in section 13.4 and the following rule apply to an arbitration under subsection (1):

1. The final award shall come into effect and supersede the previous award or be deemed to have come into effect and superseded the previous award on the later of the day that is three years after the effective date of the last award and the day the notice is served.

13.7 (1) If an agreement expires or is terminated in accordance with the agreement and the parties have not entered into a new agreement, they shall be deemed to have commenced an arbitration on the date of expiry or termination of the apportionment among them of the prescribed costs with respect to the geographic area.

(2) The date of expiry or termination of the agreement,

(a) shall be the date determined in accordance with the agreement or notice of termination, if that date is the last day of a month; or

- (b) otherwise, shall be deemed to be the last day of the month in which that date falls.
- (3) A party may commence an arbitration of the apportionment by serving a notice on the other parties,
  - (a) if a notice of termination of the agreement is served, on or after the day it is served; or
  - (b) otherwise, at any time during the 12 months preceding the date of expiry of an agreement.
- (4) The rules set out in section 13.4 and the following rules apply to an arbitration under this section:
  1. Subject to paragraph 2, the final award shall come into effect or be deemed to have come into effect on the day the agreement expires or is terminated.
  2. If the agreement expires or is terminated before the final award is made,
    - i. the agreement shall be deemed to be in effect until the final award is made, and
    - ii. the final award shall provide for a monetary reconciliation among the parties.

**13.8 (1)** If an arbitration is commenced or deemed to be commenced under this Regulation but an arbitrator has not yet been appointed and an arbitration involving the same parties is commenced or deemed to be commenced under one or more of the provisions listed in subsection (2) but an arbitrator has not yet been appointed,

- (a) one arbitrator shall be appointed for all of those arbitrations; and
- (b) those arbitrations shall be held as one arbitration.

(2) Subsection (1) applies with respect to:

1. Paragraph 2 of subsection 18 (3) and subsection 18 (4) of the *Day Nurseries Act*.
  2. Paragraph 2 of subsection 55 (8) and subsection 55 (9) of the *Ontario Disability Support Program Act, 1997*.
  3. Paragraph 2 of subsection 13 (2) and subsection 13 (3) of Schedule D to the *Social Assistance Reform Act, 1997*.
  4. Clauses 9 (5) (b) and (c) and subsection 9 (7) of the *Social Housing Funding Act, 1997*.
- (3) An arbitration under this section is governed by the *Arbitration Act, 1991*, subject to the following rules:
1. The parties may jointly appoint a single arbitrator on or after the day the arbitrations are consolidated.
  2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
  3. The arbitrator shall make a final award that disposes of the issue within three months after being appointed.
  4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.

5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.
6. The arbitration shall not deal with the prescribed costs incurred before the designation date.
7. The final award may be effective with respect to a period or periods before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.
9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
10. At any time during the arbitration, the parties may enter into an agreement under section 13.2 that includes an agreement apportioning among the parties that part of the costs of the arbitration attributable to the prescribed costs, in which case that part of the arbitration terminates.
11. The parties may, at any time, amend that part of the final award concerning the prescribed costs by agreement or replace that part of the award with an agreement under section 13.2.
12. That part of the final award in the consolidated arbitration attributable to the prescribed costs comes into effect in accordance with subsection 13.5 (3), 13.6 (2) or 13.7 (4), as the case may be.

**3. This Regulation comes into force on July 1, 1998.**

26/98

**ONTARIO REGULATION 275/98**  
made under the  
**ONTARIO DISABILITY SUPPORT PROGRAM ACT, 1997**

Made: June 10, 1998

Filed: June 11, 1998

Amending O. Reg. 225/98  
(Administration and Cost Sharing)

Note: Ontario Regulation 225/98 has not previously been amended.

**1. (1) The definition of "geographic area" in section 1 of Ontario Regulation 225/98 is revoked and the following substituted:**

"geographic area" means an area designated as a geographic area for a designated delivery agent under the *Ontario Works Act, 1997*;

**(2) Section 1 of the Regulation is amended by adding the following definitions:**

"designation date", when used in connection with a geographic area or a proposed geographic area, means the first date on which a delivery agent is designated under the *Ontario Works Act, 1997* for the geographic area;

"prescribed costs" means the costs set out in section 5.1;

"proposed geographic area" means an area designated as a geographic area under the *Ontario Works Act, 1997* for the purpose of preparing to designate a single delivery agent under that Act for it.

## 2. The Regulation is amended by adding the following sections:

### COSTS PRESCRIBED FOR COST SHARING PURPOSES

5.1 The prescribed costs for the purposes of section 40 of the Act are the cost of assistance and the cost of administration.

### AGREEMENTS FOR SHARING OF COSTS BY MUNICIPALITIES

5.2 (1) The municipalities set out in the designation of a geographic area or a proposed geographic area may enter into an agreement under which the prescribed costs payable or to be payable by those municipalities under this Regulation are apportioned among them.

(2) The agreement becomes effective,

(a) in the case of a proposed geographic area, on the designation date; or

(b) in the case of a geographic area,

(i) if a date is specified in the agreement, on the specified date, and

(ii) otherwise, on the day the agreement is made.

(3) Subject to subsection (4), the agreement may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

(4) If the delivery agent is a district social services administration board, the agreement shall not be effective with respect to a period before July 1, 1998.

(5) The delivery agent shall provide a copy of the agreement to the Minister forthwith after it is made.

### ARBITRATION PROCESS

5.3 Sections 5.5 to 5.8 do not apply with respect to a geographic area whose delivery agent is a district social services administration board or a band or a proposed geographic area whose delivery agent is to be a district social services administration board or a band.

5.4 Arbitrations under sections 5.5, 5.6 and 5.7 are governed by the *Arbitration Act, 1991*, subject to those sections and to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitration is commenced.

2. If the parties have not appointed an arbitrator, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.

3. The arbitrator shall make a final award that disposes of the issue, within three months after being appointed.

4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.

5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.

6. The arbitration shall not deal with the prescribed costs incurred before the designation date.

7. The final award may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.

10. At any time during the arbitration, the parties may enter into an agreement under section 5.2 that includes an agreement apportioning the costs of the arbitration among the parties, in which case the arbitration terminates.

11. The parties may, at any time, amend the final award by agreement or replace the award with an agreement under section 5.2.

5.5 (1) If, by September 8, 1998, the municipalities set out in the designation of a proposed geographic area have not entered into an agreement under section 5.2, they shall be deemed to have commenced an arbitration on September 8, 1998 of the apportionment among them of the prescribed costs with respect to the proposed geographic area.

(2) At any time before September 8, 1998 a party may, by serving a notice on the other parties, commence an arbitration of the apportionment.

(3) The rules set out in section 5.4 and the following rule apply to an arbitration under subsection (1) or (2):

1. The final award shall come into effect or be deemed to have come into effect on the designation date, and remains in effect unless superseded by an agreement under section 5.2 or a final award in a subsequent arbitration.

5.6 (1) If a final award has been in effect for at least two years, a party may, by serving a notice on the other parties, commence a new arbitration to deal with the apportionment among the parties of the prescribed costs with respect to the geographic area.

(2) The rules set out in section 5.4 and the following rule apply to an arbitration under subsection (1):

1. The final award shall come into effect and supersede the previous award or be deemed to have come into effect and superseded the previous award on the later of the day that is three years after the effective date of the last award and the day the notice is served.

5.7 (1) If an agreement expires or is terminated in accordance with the agreement and the parties have not entered into a new agreement, they shall be deemed to have commenced an arbitration on the day of expiry or termination of the apportionment among them of the prescribed costs with respect to the geographic area.

(2) The date of expiry or termination of the agreement,

(a) shall be the date determined in accordance with the agreement or notice of termination, if that date is the last day of a month; or

(b) otherwise, shall be deemed to be the last day of the month in which that date falls.

(3) A party may commence an arbitration of the apportionment by serving a notice on the other parties,

- (a) if a notice of termination of the agreement is served, on or after the day it is served; or
  - (b) otherwise, at any time during the 12 months preceding the date of expiry of an agreement.
- (4) The rules set out in section 5.4 and the following rules apply to an arbitration under this section:

- 1. Subject to paragraph 2, the final award shall come into effect or be deemed to have come into effect on the day the agreement expires or is terminated.
- 2. If the agreement expires or is terminated before the final award is made,
  - i. the agreement shall be deemed to be in effect until the final award is made, and
  - ii. the final award shall provide for a monetary reconciliation among the parties.

5.8 (1) If an arbitration is commenced or deemed to be commenced under this Regulation but an arbitrator has not yet been appointed and an arbitration involving the same parties is also commenced or deemed to be commenced under one or more of the provisions listed in subsection (2) but an arbitrator has not yet been appointed,

- (a) one arbitrator shall be appointed for all of those arbitrations; and
- (b) those arbitrations shall be held as one arbitration.

(2) Subsection (1) applies with respect to:

- 1. Paragraph 2 of subsection 18 (3) and subsection 18 (4) of the *Day Nurseries Act*.
- 2. Paragraph 2 of subsection 74 (7) and subsection 74 (8) of the *Ontario Works Act, 1997*.
- 3. Paragraph 2 of subsection 13 (2) and subsection 13 (3) of Schedule D to the *Social Assistance Reform Act, 1997*.
- 4. Clauses 9 (5) (b) and (c) and subsection 9 (7) of the *Social Housing Funding Act, 1997*.

(3) An arbitration under this section is governed by the *Arbitration Act, 1991*, subject to the following rules:

- 1. The parties may jointly appoint a single arbitrator on or after the day the arbitrations are consolidated.
- 2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
- 3. The arbitrator shall make a final award that disposes of the issue within three months after being appointed.
- 4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.
- 5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.

- 6. The arbitration shall not deal with the prescribed costs incurred before the designation date.
- 7. The final award may be effective with respect to a period or periods before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
- 8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.
- 9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
- 10. At any time during the arbitration, the parties may enter into an agreement under section 5.2 that includes an agreement apportioning among the parties that part of the costs of the arbitration attributable to the prescribed costs, in which case that part of the arbitration terminates.
- 11. The parties may, at any time, amend that part of the final award concerning the prescribed costs by agreement or replace that part of the award with an agreement under section 5.2.
- 12. That part of the final award in the consolidated arbitration attributable to the prescribed costs comes into effect in accordance with subsection 5.5 (3), 5.6 (2) or 5.7 (4), as the case may be.

3. This Regulation comes into force on July 1, 1998.

26/98

# **ONTARIO REGULATION 276/98** made under the **SOCIAL ASSISTANCE REFORM ACT, 1997**

Made: June 10, 1998

Filed: June 11, 1998

Amending O. Reg. 137/98  
(Transition from General Welfare Assistance and  
Family Benefits to Ontario Works)

Note: Ontario Regulation 137/98 has been amended by Ontario Regulation 229/98.

1. (1) Section 1 of Ontario Regulation 137/98 is amended by adding the following definitions:

"designation date", when used in connection with a geographic area or a proposed geographic area, means the first date on which a delivery agent is designated for the geographic area;

"prescribed costs" means the costs set out in section 24;

"proposed geographic area" means an area designated as a geographic area under the *Ontario Works Act, 1997* for the purpose of preparing to designate a single delivery agent for it under that Act;

(2) The definition of "geographic area" in section 1 of the Regulation is revoked and the following substituted:

"geographic area" means an area designated as a geographic area under the *Ontario Works Act, 1997* for a designated delivery agent under that Act;



**2. Sections 24 and 25 of the Regulation are revoked and the following substituted:**

#### COSTS PRESCRIBED FOR COST SHARING PURPOSES

**24.** The prescribed costs for the purposes of section 3 of Schedule D to the Act are the assistance costs and the costs of administration.

#### AGREEMENTS FOR SHARING OF COSTS BY MUNICIPALITIES

**24.1 (1)** The municipalities set out in the designation of a geographic area or a proposed geographic area may enter into an agreement under which the prescribed costs payable or to be payable by the delivery agent or proposed delivery agent under this Regulation are apportioned among them.

(2) The agreement becomes effective,

(a) in the case of a proposed geographic area, on the designation date; or

(b) in the case of a geographic area,

(i) if a date is specified in the agreement, on the specified date, and

(ii) otherwise, on the day the agreement is made.

(3) Subject to subsection (4), the agreement may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

(4) If the delivery agent is a district social services administration board, the agreement shall not be effective with respect to a period before July 1, 1998.

(5) The delivery agent shall provide a copy of the agreement to the Minister forthwith after it is made.

#### ARBITRATION PROCESS

**24.2** Sections 24.4 to 24.7 do not apply with respect to a geographic area whose delivery agent is a district social services administration board or a band or a proposed geographic area whose delivery agent is to be a district social services administration board or a band.

**24.3** Arbitrations under sections 24.4, 24.5 and 24.6 are governed by the *Arbitration Act, 1991*, subject to those sections and to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitration is commenced.

2. If the parties have not appointed an arbitrator, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.

3. The arbitrator shall make a final award that disposes of the issue, within three months after being appointed.

4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.

5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.

6. The arbitration shall not deal with the prescribed costs incurred before the designation date.

7. The final award may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.

10. At any time during the arbitration, the parties may enter into an agreement under section 24.1 that includes an agreement apportioning the costs of the arbitration among the parties, in which case the arbitration terminates.

11. The parties may, at any time, amend the final award by agreement or replace the award with an agreement under section 24.1.

**24.4 (1)** If, by September 8, 1998, the municipalities set out in the designation of a proposed geographic area have not entered into an agreement under section 24.1, they shall be deemed to have commenced an arbitration on September 8, 1998 of the apportionment among them of the prescribed costs with respect to the proposed geographic area.

(2) At any time before September 8, 1998 a party may, by serving a notice on the other parties, commence an arbitration of the apportionment.

(3) The rules set out in section 24.3 and the following rule apply to an arbitration under subsection (1) or (2):

1. The final award shall come into effect or be deemed to have come into effect on the designation date, and remains in effect unless superseded by an agreement under section 24.1 or a final award in a subsequent arbitration.

**24.5 (1)** If a final award has been in effect for at least two years, a party may, by serving a notice on the other parties, commence a new arbitration to deal with the apportionment among the parties of the prescribed costs with respect to the geographic area.

(2) The rules set out in section 24.3 and the following rule apply to an arbitration under subsection (1):

1. The final award shall come into effect and supersede the previous award or be deemed to have come into effect and superseded the previous award on the later of the day that is three years after the effective date of the last award and the day the notice is served.

**24.6 (1)** If an agreement expires or is terminated in accordance with the agreement and the parties have not entered into a new agreement, they shall be deemed to have commenced an arbitration on the day of expiry or termination of the apportionment among them of the prescribed costs with respect to the geographic area.

(2) The date of expiry or termination of the agreement,

(a) shall be the date determined in accordance with the agreement or notice of termination, if that date is the last day of a month; or

(b) otherwise, shall be deemed to be the last day of the month in which that date falls.

(3) A party may commence an arbitration of the apportionment by serving a notice on the other parties,

(a) if a notice of termination of the agreement is served, on or after the day it is served; or

(b) otherwise, at any time during the 12 months preceding the date of expiry of an agreement.

(4) The rules set out in section 24.3 and the following rules apply to an arbitration under this section:

1. Subject to paragraph 2, the final award shall come into effect or be deemed to have come into effect on the day the agreement expires or is terminated.

2. If the agreement expires or is terminated before the final award is made,

i. the agreement shall be deemed to be in effect until the final award is made, and

ii. the final award shall provide for a monetary reconciliation among the parties.

**24.7 (1)** If an arbitration is commenced or deemed to be commenced under this Regulation but an arbitrator has not yet been appointed and an arbitration involving the same parties is commenced or deemed to be commenced under one or more of the provisions listed in subsection (2) but an arbitrator has not yet been appointed,

(a) one arbitrator shall be appointed for all of those arbitrations; and

(b) those arbitrations shall be held as one arbitration.

(2) Subsection (1) applies with respect to:

1. Paragraph 2 of subsection 18 (3) and subsection 18 (4) of the *Day Nurseries Act*.

2. Paragraph 2 of subsection 55 (8) and subsection 55 (9) of the *Ontario Disability Support Program Act, 1997*.

3. Paragraph 2 of subsection 74 (7) and subsection 74 (8) of the *Ontario Works Act, 1997*.

4. Clauses 9 (5) (b) and (c) and subsection 9 (7) of the *Social Housing Funding Act, 1997*.

(3) An arbitration under this section is governed by the *Arbitration Act, 1991*, subject to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitrations are consolidated.

2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.

3. The arbitrator shall make a final award that disposes of the issue within three months after being appointed.

4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.

5. The final award shall apportion among the parties the prescribed costs with respect to the geographic area or proposed geographic area.

6. The arbitration shall not deal with the prescribed costs incurred before the designation date.

7. The final award may be effective with respect to a period or periods before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.

10. At any time during the arbitration, the parties may enter into an agreement under section 24.1 that includes an agreement apportioning among the parties that part of the costs of the arbitration attributable to the prescribed costs, in which case that part of the arbitration terminates.

11. The parties may, at any time, amend that part of the final award concerning the prescribed costs by agreement or replace that part of the award with an agreement under section 24.1.

12. That part of the final award in the consolidated arbitration attributable to the prescribed costs comes into effect in accordance with subsection 24.4 (3), 24.5 (2) or 24.6 (4), as the case may be.

**3. This Regulation comes into force on July 1, 1998.**

26/98



**ONTARIO REGULATION 277/98**made under the  
**DAY NURSERIES ACT**Made: June 10, 1998  
Filed: June 11, 1998Amending Reg. 262 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 262 has been amended by Ontario Regulations 112/97, 482/97, 139/98 and 231/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 1 of Regulation 262 of the Revised Regulations of Ontario, 1990 is amended by adding the following definitions:**

“designation date”, when used in connection with a geographic area or a proposed geographic area, means the first date on which an Ontario Works delivery agent is designated under the *Ontario Works Act, 1997* for the geographic area; (“date de désignation”)

“Ontario Works delivery agent” means a municipality or a prescribed board that is designated as a delivery agent under the *Ontario Works Act, 1997*; (“agent de prestation des services du programme Ontario au travail”)

“Ontario Works geographic area” means an area designated under the *Ontario Works Act, 1997* as a geographic area for a designated delivery agent under that Act; (“zone géographique du programme Ontario au travail”)

“Ontario Works proposed geographic area” means an area designated under the *Ontario Works Act, 1997* as a geographic area for the purpose of preparing to designate a single Ontario Works delivery agent for it; (“zone géographique proposée du programme Ontario au travail”)

“prescribed costs” means the costs set out in section 68.4; (“coûts prescrits”)

“the municipalities’ prescribed costs”, with respect to a geographic area or proposed geographic area, means that part of the prescribed costs incurred or to be incurred under this Regulation by all of the municipalities located in the geographic area or proposed geographic area; (“coûts prescrits des municipalités”)

**2. Subsection 68.2 (1) of the Regulation is revoked.**

**3. Section 68.3 of the Regulation is revoked and the following substituted:**

**68.3** Every district social services administration board under the *District Social Services Administration Boards Act* is prescribed as a board for the purposes of this Regulation.

**68.4** The prescribed costs for the purposes of section 7.3 of the Act are the costs that are to be shared by Ontario, municipalities, prescribed boards and delivery agents under sections 67.1, 68.1 and 68.2 with respect to services prescribed in section 66.1.

**4. The Regulation is amended by adding the following sections:**

**RÈGLEMENT DE L'ONTARIO 277/98**pris en application de la  
**LOI SUR LES GARDERIES**pris le 10 juin 1998  
déposé le 11 juin 1998modifiant le Règl. 262 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 262 a été modifié par les Règlements de l'Ontario 112/97, 482/97, 139/98 et 231/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. L'article 1 du Règlement 262 des Règlements refondus de l'Ontario de 1990 est modifié par adjonction des définitions suivantes :**

«agent de prestation des services du programme Ontario au travail» Municipalité ou conseil prescrit désigné comme agent de prestation des services aux termes de la *Loi de 1997 sur le programme Ontario au travail*. («Ontario Works delivery agent»)

«coûts prescrits» S'entend des frais visés à l'article 68.4. («prescribed costs»)

«coûts prescrits des municipalités» À l'égard d'une zone géographique ou d'une zone géographique proposée, s'entend de la partie des coûts prescrits qui sont engagés ou qui doivent l'être aux termes du présent règlement par toutes les municipalités situées dans la zone géographique ou la zone géographique proposée. («the municipalities' prescribed costs»)

«date de désignation» Relativement à une zone géographique ou à une zone géographique proposée, s'entend de la date initiale à laquelle un agent de prestation des services du programme Ontario au travail est désigné aux termes de la *Loi de 1997 sur le programme Ontario au travail* à l'égard de la zone géographique. («designation date»)

«zone géographique du programme Ontario au travail» Zone désignée aux termes de la *Loi de 1997 sur le programme Ontario au travail* comme zone géographique d'un agent de prestation des services désigné aux termes de cette loi. («Ontario Works geographic area»)

«zone géographique proposée du programme Ontario au travail» Zone désignée aux termes de la *Loi de 1997 sur le programme Ontario au travail* comme zone géographique en vue de l'éventuelle désignation à l'égard de celle-ci d'un seul agent de prestation des services du programme Ontario au travail. («Ontario Works proposed geographic area»)

**2. Le paragraphe 68.2 (1) du Règlement est abrogé.**

**3. L'article 68.3 du Règlement est abrogé et remplacé par ce qui suit :**

**68.3** Chaque conseil d'administration de district des services sociaux créé en vertu de la *Loi sur les conseils d'administration de district des services sociaux* est prescrit comme conseil pour l'application du présent règlement.

**68.4** Les coûts prescrits pour l'application de l'article 7.3 de la Loi sont les frais qui doivent être partagés entre l'Ontario, les municipalités, les conseils prescrits et les agents de prestation des services aux termes des articles 67.1, 68.1 et 68.2 à l'égard des services prescrits aux termes de l'article 66.1.

**4. Le Règlement est modifié par adjonction des articles suivants :**

## AGREEMENTS FOR SHARING OF COSTS BY MUNICIPALITIES

**68.5 (1)** The municipalities set out in the designation of an Ontario Works geographic area or an Ontario Works proposed geographic area may enter into an agreement under which the municipalities' prescribed costs payable or to be payable under this Regulation are apportioned among the municipalities set out in the designation.

- (2) The agreement becomes effective,
  - (a) in the case of an Ontario Works proposed geographic area, on the designation date; or
  - (b) in the case of an Ontario Works geographic area,
    - (i) if a date is specified in the agreement, on the specified date, and
    - (ii) otherwise, on the day the agreement is made.
- (3) Subject to subsection (4), the agreement may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
- (4) If the Ontario Works delivery agent is a district social services administration board, the agreement shall not be effective with respect to a period before July 1, 1998.
- (5) The Ontario Works delivery agent shall provide a copy of the agreement to the Minister forthwith after it is made.

## ARBITRATION PROCESS

**68.6** Sections 68.7 to 68.11 do not apply with respect to a geographic area whose Ontario Works delivery agent is a district social services administration board or a band or a proposed geographic area whose Ontario Works delivery agent is to be a district social services administration board or a band.

**68.7** Arbitrations under sections 68.8, 68.9 and 68.10 are governed by the *Arbitration Act, 1991*, subject to those sections and to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitration is commenced.
2. If the parties have not appointed an arbitrator, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
3. The arbitrator shall make a final award that disposes of the issue, within three months after being appointed.
4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.
5. The final award shall apportion among the parties the municipalities' prescribed costs.
6. The arbitration shall not deal with the municipalities' prescribed costs incurred before the designation date.
7. The final award may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court

## ENTENTES DE PARTAGE DES FRAIS ENTRE LES MUNICIPALITÉS

**68.5 (1)** Les municipalités mentionnées dans la désignation d'une zone géographique du programme Ontario au travail ou d'une zone géographique proposée du programme Ontario au travail peuvent conclure une entente aux termes de laquelle les coûts prescrits des municipalités qui sont payables ou qui doivent l'être aux termes du présent règlement sont répartis entre les municipalités mentionnées dans la désignation.

- (2) L'entente entre en vigueur :
  - a) dans le cas d'une zone géographique proposée du programme Ontario au travail, à la date de désignation;
  - b) dans le cas d'une zone géographique du programme Ontario au travail :
    - (i) si une date est précisée dans l'entente, à cette date,
    - (ii) sinon, le jour auquel l'entente est conclue.
- (3) Sous réserve du paragraphe (4), l'entente peut avoir effet à l'égard d'une période antérieure à sa conclusion et, dans ce cas, elle doit prévoir un règlement pécunier entre les parties.
- (4) Si l'agent de prestation des services du programme Ontario au travail est un conseil d'administration de district des services sociaux, l'entente ne peut avoir effet à l'égard d'une période antérieure au 1<sup>er</sup> juillet 1998.
- (5) L'agent de prestation des services du programme Ontario au travail fournit une copie de l'entente au ministre dès qu'elle est conclue.

## PROCESSUS D'ARBITRAGE

**68.6** Les articles 68.7 à 68.11 ne s'appliquent pas à l'égard d'une zone géographique dont l'agent de prestation des services du programme Ontario au travail est un conseil d'administration de district des services sociaux ou une bande ou à l'égard d'une zone géographique proposée dont l'agent de prestation des services du programme Ontario au travail doit être un conseil d'administration de district des services sociaux ou une bande.

**68.7** Les arbitrages prévus aux articles 68.8, 68.9 et 68.10 sont régis par la *Loi de 1991 sur l'arbitrage*, sous réserve de ces articles et des règles suivantes :

1. Les parties peuvent désigner conjointement un arbitre unique à compter du jour où l'arbitrage est engagé.
2. Si les parties n'ont pas désigné d'arbitre, la Cour de l'Ontario (Division générale) peut, à la requête d'une partie, procéder à cette désignation en vertu de l'article 10 de la *Loi de 1991 sur l'arbitrage*.
3. L'arbitre rend une sentence définitive qui tranche la question en litige dans les trois mois suivant sa désignation.
4. Malgré l'article 39 de la *Loi de 1991 sur l'arbitrage*, un tribunal judiciaire ne peut proroger le délai dans lequel l'arbitre est tenu de rendre une sentence. Toutefois, ce délai peut être prorogé par accord des parties.
5. La sentence définitive prévoit la répartition entre les parties des coûts prescrits des municipalités.
6. L'arbitrage ne doit pas traiter des coûts prescrits des municipalités engagés avant la date de désignation.
7. La sentence définitive peut avoir effet à l'égard d'une période antérieure au moment où elle est rendue et, dans ce cas, elle doit prévoir un règlement pécunier entre les parties.
8. Une partie ne peut interjeter appel de la sentence définitive devant la Cour de l'Ontario (Division générale) que relativement

shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
10. At any time during the arbitration, the parties may enter into an agreement under section 68.5 that includes an agreement apportioning the costs of the arbitration, in which case the arbitration terminates.
11. The parties may, at any time, amend the final award by agreement or replace the award with an agreement under section 68.5.

**68.8 (1)** If, by September 8, 1998, the municipalities set out in the designation of a proposed geographic area have not entered into an agreement under section 68.5, they shall be deemed to have commenced an arbitration on September 8, 1998 of the apportionment among them of the municipalities' prescribed costs.

(2) At any time before September 8, 1998, a party may, by serving a notice on the other parties, commence an arbitration of the apportionment.

(3) The rules set out in section 68.7 and the following rule apply to an arbitration under subsection (1) or (2):

1. The final award shall come into effect or be deemed to have come into effect on the designation date, and remains in effect unless superseded by an agreement under section 68.5 or a final award in a subsequent arbitration.

**68.9 (1)** If a final award has been in effect for at least two years, a party may, by serving a notice on the other parties, commence a new arbitration to deal with the apportionment among the parties of the municipalities' prescribed costs.

(2) The rules set out in section 68.7 and the following rule apply to an arbitration under subsection (1):

1. The final award shall come into effect and supersede the previous award or be deemed to have come into effect and superseded the previous award on the later of the day that is three years after the effective date of the last award and the day the notice is served.

**68.10 (1)** If an agreement expires or is terminated in accordance with the agreement and the parties have not entered into a new agreement, they shall be deemed to have commenced an arbitration on the day of expiry or termination of the apportionment among them of the municipalities' prescribed costs.

(2) The date of expiry or termination of the agreement,

- (a) shall be the date determined in accordance with the agreement or notice of termination, if that date is the last day of a month; or
- (b) otherwise, shall be deemed to be the last day of the month in which that date falls.

(3) A party may commence an arbitration of the apportionment by serving a notice on the other parties,

- (a) if a notice of termination of the agreement is served, on or after the day it is served; or
- (b) otherwise, at any time during the 12 months preceding the date of expiry of an agreement.

(4) The rules set out in section 68.7 and the following rules apply to an arbitration under this section:

à une question de droit, et ce sur autorisation, que ce tribunal n'accorde que s'il est convaincu que les conditions prévues aux alinéas 45 (1) a) et b) de la *Loi de 1991 sur l'arbitrage* sont remplies. Il ne peut être interjeté appel de la sentence relativement à une question de fait ou à une question à la fois de droit et de fait, malgré tout accord des parties.

9. L'arbitre remet une copie de la sentence définitive au ministre dès qu'elle est rendue.
10. En tout temps au cours de l'arbitrage, les parties peuvent conclure une entente en vertu de l'article 68.5 qui inclut une entente de répartition des dépens de l'arbitrage, auquel cas l'arbitrage prend fin.
11. Les parties peuvent, en tout temps, modifier par accord la sentence définitive ou la remplacer par une entente prévue à l'article 68.5.

**68.8 (1)** Si, au plus tard le 8 septembre 1998, les municipalités mentionnées dans la désignation d'une zone géographique proposée n'ont pas conclu d'entente en vertu de l'article 68.5, elles sont réputées avoir engagé le 8 septembre 1998 un arbitrage portant sur la répartition entre elles des coûts prescrits des municipalités.

(2) En tout temps avant le 8 septembre 1998, une partie peut, en signifiant un avis aux autres parties, engager un arbitrage portant sur la répartition.

(3) Les règles énoncées à l'article 68.7 et la règle suivante s'appliquent à un arbitrage prévu au paragraphe (1) ou (2) :

1. La sentence définitive entre en vigueur ou est réputée être entrée en vigueur à la date de désignation, et demeure en vigueur à moins qu'elle ne soit remplacée par une entente prévue à l'article 68.5 ou par une sentence définitive rendue dans un arbitrage subséquent.

**68.9 (1)** Si une sentence définitive a été en vigueur pendant au moins deux ans, une partie peut, en signifiant un avis aux autres parties, engager un nouvel arbitrage pour traiter de la répartition entre les parties des coûts prescrits des municipalités.

(2) Les règles énoncées à l'article 68.7 et la règle suivante s'appliquent à un arbitrage prévu au paragraphe (1) :

1. La sentence définitive entre en vigueur et remplace la sentence précédente ou est réputée être entrée en vigueur et avoir remplacé la sentence précédente le jour qui tombe trois ans après la date d'entrée en vigueur de la dernière sentence ou, s'il est ultérieur à ce jour, le jour où l'avis est signifié.

**68.10 (1)** Si une entente expire ou est résiliée conformément à l'entente et qu'elles n'ont pas conclu de nouvelle entente, les parties sont réputées avoir engagé, le jour où expire ou est résiliée l'entente, un arbitrage portant sur la répartition entre elles des coûts prescrits des municipalités.

(2) La date à laquelle l'entente expire ou est résiliée :

- a) correspond à la date fixée conformément à l'entente ou à l'avis de résiliation, si cette date tombe le dernier jour d'un mois;
- b) sinon, est réputée correspondre au dernier jour du mois durant lequel tombe cette date.

(3) Une partie peut engager un arbitrage portant sur la répartition en signifiant un avis aux autres parties :

- a) dans le cas où un avis de résiliation de l'entente est signifié, à compter de la date à laquelle il est signifié;
- b) dans les autres cas, en tout temps au cours des 12 mois précédant la date à laquelle l'entente expire.

(4) Les règles énoncées à l'article 68.7 et les règles suivantes s'appliquent à un arbitrage prévu au présent article :

1. Subject to paragraph 2, the final award shall come into effect or be deemed to have come into effect on the day the agreement expires or is terminated.
2. If the agreement expires or is terminated before the final award is made,
  - i. the agreement shall be deemed to be in effect until the final award is made, and
  - ii. the final award shall provide for a monetary reconciliation among the parties.

68.11 (1) If an arbitration is commenced or deemed to be commenced under this Regulation but an arbitrator has not yet been appointed and an arbitration involving the same parties is commenced or deemed to be commenced for the purposes of one or more of the provisions listed in subsection (2) but an arbitrator has not yet been appointed,

- (a) one arbitrator shall be appointed for the arbitrations; and
- (b) the arbitrations shall be held as one arbitration.

(2) Subsection (1) applies with respect to:

1. Paragraph 2 of subsection 74 (7) and subsection 74 (8) of the *Ontario Works Act, 1997*.
2. Paragraph 2 of subsection 55 (8) and subsection 55 (9) of the *Ontario Disability Support Program Act, 1997*.
3. Paragraph 2 of subsection 13 (2) and subsection 13 (3) of Schedule D to the *Social Assistance Reform Act, 1997*.
4. Clauses 9 (5) (b) and (c) and subsection 9 (7) of the *Social Housing Funding Act, 1997*.

(3) An arbitration under this section is governed by the *Arbitration Act, 1991*, subject to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitrations are consolidated.
2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
3. The arbitrator shall make a final award that disposes of the issue within three months after being appointed.
4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.
5. The final award shall apportion among the parties the municipalities' prescribed costs.
6. The arbitration shall not deal with the municipalities' prescribed costs incurred before the designation date.
7. The final award may be effective with respect to a period or periods before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.

1. Sous réserve de la disposition 2, la sentence définitive entre en vigueur ou est réputée être entrée en vigueur le jour où l'entente expire ou est résiliée.
2. Si l'entente expire ou est résiliée avant que la sentence définitive ne soit rendue :
  - i. d'une part, l'entente est réputée être en vigueur jusqu'à ce que la sentence définitive soit rendue,
  - ii. d'autre part, la sentence définitive prévoit un règlement pécunier entre les parties.

68.11 (1) Si un arbitrage est engagé ou est réputé être engagé aux termes du présent règlement mais qu'un arbitre n'a pas encore été désigné et si un arbitrage mettant en cause les mêmes parties est engagé ou réputé être engagé pour l'application d'une ou de plusieurs des dispositions énumérées au paragraphe (2) mais qu'un arbitre n'a pas encore été désigné :

- a) d'une part, un arbitre unique est désigné pour mener les arbitrages;
- b) d'autre part, les arbitrages sont menés comme s'il s'agissait d'un seul arbitrage.

(2) Le paragraphe (1) s'applique à l'égard des dispositions suivantes :

1. La disposition 2 du paragraphe 74 (7) et le paragraphe 74 (8) de la *Loi de 1997 sur le programme Ontario au travail*.
2. La disposition 2 du paragraphe 55 (8) et le paragraphe 55 (9) de la *Loi de 1997 sur le Programme ontarien de soutien aux personnes handicapées*.
3. La disposition 2 du paragraphe 13 (2) et le paragraphe 13 (3) de l'annexe D de la *Loi de 1997 sur la réforme de l'aide sociale*.
4. Les alinéas 9 (5) (b) et c) et le paragraphe 9 (7) de la *Loi de 1997 sur le financement du logement social*.

(3) L'arbitrage prévu au présent article est régi par la *Loi de 1991 sur l'arbitrage*, sous réserve des règles suivantes :

1. Les parties peuvent désigner conjointement un arbitre unique à compter du jour où les arbitrages sont fusionnés.
2. Si les parties ont le droit de désigner conjointement un arbitre mais ne l'ont pas fait, la Cour de l'Ontario (Division générale) peut, à la requête d'une partie, procéder à cette désignation en vertu de l'article 10 de la *Loi de 1991 sur l'arbitrage*.
3. L'arbitre rend une sentence définitive qui tranche la question en litige dans les trois mois suivant sa désignation.
4. Malgré l'article 39 de la *Loi de 1991 sur l'arbitrage*, un tribunal judiciaire ne peut proroger le délai dans lequel l'arbitre est tenu de rendre une sentence. Toutefois, ce délai peut être prorogé par accord des parties.
5. La sentence définitive prévoit la répartition entre les parties des coûts prescrits des municipalités.
6. L'arbitrage ne doit pas traiter des coûts prescrits des municipalités engagés avant la date de désignation.
7. La sentence définitive peut avoir effet à l'égard d'une ou de plusieurs périodes antérieures au moment où elle est rendue et, dans ce cas, elle doit prévoir un règlement pécunier entre les parties.
8. Une partie ne peut interjeter appel de la sentence définitive devant la Cour de l'Ontario (Division générale) que relativement à une question de droit, et ce sur autorisation, que ce tribunal n'accorde que s'il est convaincu que les conditions prévues aux alinéas 45 (1) a) et b) de la *Loi de 1991 sur l'arbitrage* sont remplies. Il ne peut être interjeté appel de la sentence relativement à une question de fait ou à une question à la fois de droit et de fait, malgré tout accord des parties.

9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
  10. At any time during the arbitration, the parties may enter into an agreement under section 68.5 that includes an agreement apportioning among the parties that part of the costs of the arbitration attributable to the municipalities' prescribed costs, in which case that part of the arbitration terminates.
  11. The parties may at any time amend that part of the final award concerning the municipalities' prescribed costs by agreement or replace that part of the award with an agreement under section 68.5.
  12. That part of the final award in the consolidated arbitration attributable to the municipalities' prescribed costs comes into effect in accordance with subsection 68.8 (3), 68.9 (2) or 68.10 (4), as the case may be.
5. This Regulation comes into force on July 1, 1998.

9. L'arbitre remet une copie de la sentence définitive au ministre dès qu'elle est rendue.
  10. En tout temps au cours de l'arbitrage, les parties peuvent conclure une entente en vertu de l'article 68.5 qui inclut une entente de répartition entre elles de la part des dépens de l'arbitrage qui est attribuable aux coûts prescrits des municipalités, auquel cas cette partie de l'arbitrage prend fin.
  11. Les parties peuvent, en tout temps, modifier par accord la partie de la sentence définitive concernant les coûts prescrits des municipalités ou remplacer cette partie par une entente prévue à l'article 68.5.
  12. La partie de la sentence définitive rendue dans le cadre de l'arbitrage issu de la fusion, attribuable aux coûts prescrits des municipalités, entre en vigueur conformément au paragraphe 68.8 (3), 68.9 (2) ou 68.10 (4), selon le cas.
5. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

26/98

**ONTARIO REGULATION 278/98**  
made under the  
**DISTRICT SOCIAL SERVICES ADMINISTRATION**  
**BOARDS ACT**

Made: June 10, 1998  
Filed: June 11, 1998

**GENERAL**

**SOCIAL SERVICES PRESCRIBED**

1. For the purpose of the definition of "social services" in subsection 1 (1) of the Act, social services include,
  - (a) services with respect to assistance under the *Ontario Works Act, 1997*;
  - (b) services with respect to income support under the *Ontario Disability Support Program Act, 1997*;
  - (c) the services set out in section 66.1 of Regulation 262 of the Revised Regulations of Ontario, 1990, made under the *Day Nurseries Act*;
  - (d) expenditures with respect to provincial social housing costs under the *Social Housing Funding Act, 1997*; and
  - (e) services with respect to benefits under the *Family Benefits Act*.

**GRANTS UNDER SECTION 10 OF THE ACT**

2. The amount of a grant under section 10 of the Act shall be,
  - (a) 50 per cent of the board's reasonable costs of administration during its first year, as estimated by the board and approved by the Director under the *Ontario Works Act, 1997*; and
  - (b) the board's reasonable start up costs, as estimated by the board and approved by the Director under the *Ontario Works Act, 1997*.

**DESIGNATION OF DISTRICTS FOR BOARDS AND MEMBERSHIP OF BOARD**

3. (1) The district for each of the boards established by the Minister is set out in section 1 of the corresponding Schedule to this Regulation.

(2) The number of members of each of the boards, the areas that those members represent and the manner of their appointment are set out in section 2 of the corresponding Schedule to this Regulation.

**TERM OF OFFICE OF MEMBERS**

4. (1) A member of a board appointed as a member at large shall hold office for a term not exceeding three years.

(2) The term of office of a member of a board who is not a member at large shall commence on January 1 next following the commencement of the term of office of the council that the member represents or January 1 in any subsequent year of the term of office of that council and shall not exceed three years.

(3) A member of a board may be re-appointed when his or her term ends.

(4) If the office of a member of a board becomes vacant before the end of his or her term of office, a new member may be appointed for the remainder of the unexpired term.

**CHAIRS OF BOARDS**

5. (1) A board shall, at its first meeting after January 1 in each year, appoint one of its members as chair of the board.

(2) The member of the board who is appointed as chair shall serve as chair until the December 31 following the appointment and, subject to subsection (3), may be re-appointed as chair for the next year.

(3) No member of the board shall serve as chair for more than three consecutive terms.

(4) If the chair resigns or dies before his or her term expires, the board shall appoint another member of the board as chair to complete the unexpired portion of the term.

## APPORTIONMENT OF COSTS

6. (1) In this section,

"tax ratio", with respect to a property, means the tax ratio established under section 363 of the *Municipal Act* for the property class it is in;

"weighted assessment" means the assessment for a property multiplied by its tax ratio.

(2) Subject to subsection (3), the costs of social services for each board in a year shall be apportioned among municipalities in the board's district as follows:

1. When the assessment rolls of the municipalities in the district are returned to the clerks under section 36 of the *Assessment Act*, they shall also be provided to the board.
2. Each municipality shall provide the board with a copy of its by-law setting its tax ratios on or before the date it is required under section 363 of the *Municipal Act* to make the by-law.
3. The board shall determine the sum of the weighted assessments for all of the properties in each municipality.
4. The costs of social services for the board that shall be apportioned to each municipality shall be its proportionate share of the sum of the weighted assessments for all of the municipalities.

(3) The board may, by resolution passed by a majority of the members of the board representing a majority of the population served by the board, agree to apportion costs of social services among municipalities in its district in a way other than that provided in subsection (2).

(4) The interest that a board may impose on a municipality under subsection 6 (3) of the Act shall not exceed 1 per cent per month.

## ESTIMATES AND RESERVES

7. (1) Each board shall in each year apportion among the municipalities in its district, in accordance with section 6, the amounts that it estimates will be required to defray the expenditures for social services for that year and shall on or before March 31 of that year notify the clerk of each municipality of the amount to be provided by that municipality.

(2) If a board that has given notice of its estimated expenditures incurs additional costs for social services that were not anticipated at the time the notice was given, the additional costs shall be apportioned among the municipalities and the clerk notified.

(3) In preparing the estimates, the board may provide for a reserve for working funds in a year not to exceed 15 per cent of the total estimates of the board for the year.

(4) If the actual expenditures of a board for a year are greater or less than the estimated expenditures for that year, the board shall, in preparing the estimates of the amount required to defray its expenditures for the following year,

- (a) make due allowance for any surplus that will be available from the preceding year; or
- (b) provide for any deficit of the preceding year.

## REVOCATION

8. Regulation 273 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 418/94 and 484/97 are revoked.

## COMMENCEMENT

9. This Regulation comes into force on July 1, 1998.

## Schedule 1

THE DISTRICT OF ALGOMA SOCIAL SERVICES  
ADMINISTRATION BOARD

1. That part of the Territorial District of Algoma that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Algoma Social Services Administration Board.

2. The District of Algoma Social Services Administration Board continues to consist of nine members and those members continue to represent the same areas, as follows:

1. Two members at large shall be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of The Corporation of the City of Elliott Lake and one member shall be appointed by the municipal council of that municipality to represent Area 1.
3. Area 2 is the area of jurisdiction of The Corporation of the Town of Blind River and one member shall be appointed by the municipal council of that municipality to represent Area 2.
4. Area 3 is the area of jurisdiction of The Corporation of the Township of Michipicoten and one member shall be appointed by the municipal council of that municipality to represent Area 3.
5. Area 4 is the area of jurisdiction of the following municipalities and four members shall be appointed jointly by those municipalities to represent Area 4:
  - i. The Corporation of the Township of Thompson.
  - ii. The Corporation of the Village of Iron Bridge.
  - iii. The Corporation of the Township of Day and Bright Additional.
  - iv. The Corporation of the Township of Thessalon.
  - v. The Corporation of the Town of Thessalon.
  - vi. The Corporation of the Township of Plummer Additional.
  - vii. The Corporation of the Town of Bruce Mines.
  - viii. The Corporation of the Township of Johnson.
  - ix. The Corporation of the Township of Tarbutt and Tarbutt Additional.
  - x. The Corporation of the Township of Prince.
  - xi. The Corporation of the Township of Macdonald, Meredith and Aberdeen Additional.
  - xii. The Corporation of the Township of St. Joseph.
  - xiii. The Corporation of the Township of Jocelyn.
  - xiv. The Corporation of the Township of Hilton.
  - xv. The Corporation of the Village of Hilton Beach.
  - xvi. The Corporation of the Township of Laird.



- xvii. The Corporation of the Improvement District of White River.
- xviii. The Corporation of the Township of Hornepayne.
- xix. The Corporation of the Township of the North Shore.
- xx. The Corporation of the Township of Shedden.
- xxi. The Corporation of the Township of Dubreuville.

#### Schedule 2

##### THE DISTRICT OF COCHRANE SOCIAL SERVICES ADMINISTRATION BOARD

1. That part of the Territorial District of Cochrane that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Cochrane Social Services Administration Board.

2. The District of Cochrane Social Services Administration Board continues to consist of 10 members and those members continue to represent the same areas, as follows:

1. Two members at large shall be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of The Corporation of the Town of Hearst and one member shall be appointed by the council of that municipality to represent Area 1.
3. Area 2 is the area of jurisdiction of The Corporation of the Town of Kapuskasing and one member shall be appointed by the council of that municipality to represent Area 2.
4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 3:
  - i. The Corporation of the Townships of Fauquier-Strickland.
  - ii. The Corporation of the Township of Moonbeam.
5. Area 4 is the area of jurisdiction of The Corporation of the Town of Smooth Rock Falls and one member shall be appointed by the council of that municipality to represent Area 4.
6. Area 5 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 5:
  - i. The Corporation of the Town of Cochrane.
  - ii. The Corporation of the Township of Glackmeyer.
7. Area 6 is the area of jurisdiction of The Corporation of the Town of Iroquois Falls and one member shall be appointed by the council of that municipality to represent Area 6.
8. Area 7 is the area of jurisdiction of The Corporation of the Township of Black River-Matheson and one member shall be appointed by the council of that municipality to represent Area 7.
9. Area 8 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 8:
  - i. The Corporation of the Township of Mattice-Val Côté.

- ii. The Corporation of the Township of Opasatika.
- iii. The Corporation of the Township of Val Rita-Harty.

#### Schedule 3

##### THE DISTRICT OF NIPISSING SOCIAL SERVICES ADMINISTRATION BOARD

1. That part of the Territorial District of Nipissing that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Nipissing Social Services Administration Board.

2. The District of Nipissing Social Services Administration Board continues to consist of eight members and those members continue to represent the same areas, as follows:

1. Two members at large shall be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of The Corporation of the Town of Sturgeon Falls and one member shall be appointed by the council of that municipality to represent Area 1.
3. Area 2 is the area of jurisdiction of The Corporation of the Town of Temagami and one member shall be appointed by the council of that municipality to represent Area 2.
4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the municipal councils of those municipalities:
  - i. The Corporation of the Township of Bonfield.
  - ii. The Corporation of the Township of Airy.
  - iii. The Corporation of the Township of Chisholm.
5. Area 4 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the municipal councils of those municipalities:
  - i. The Corporation of the Town of Cache Bay.
  - ii. The Corporation of the Township of Caldwell.
  - iii. The Corporation of the Township of Springer.
  - iv. The Corporation of the Township of Field.
6. Area 5 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the municipal councils of those municipalities:
  - i. The Corporation of the Town of Mattawa.
  - ii. The Corporation of the Township of Papineau/Cameron.
  - iii. The Corporation of the Township of Calvin.
  - iv. The Corporation of the Township of Mattawan.
7. Area 6 is the area of jurisdiction of The Corporation of the Township of East Ferris and one member shall be appointed by the municipal council of that municipality.

## Schedule 4

THE DISTRICT OF PARRY SOUND SOCIAL SERVICES  
ADMINISTRATION BOARD

1. That part of the Territorial District of Parry Sound that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Parry Sound Social Services Administration Board.

2. The District of Parry Sound Social Services Administration Board continues to consist of seven members and those members continue to represent the same areas, as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 1:
  - i. The Corporation of the Town of Parry Sound.
  - ii. The Corporation of the Township of Seguin.
3. Area 2 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 2:
  - i. The Corporation of the Township of Carling.
  - ii. The Corporation of the Township of Hagerman.
  - iii. The Corporation of the Township of McDougall.
  - iv. The Corporation of the Township of McKellar.
  - v. The Corporation of the Township of The Archipelago.
4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 3:
  - i. The Corporation of the Town of Powassan.
  - ii. The Corporation of the Town of Trout Creek.
  - iii. The Corporation of the Township of Nipissing.
  - iv. The Corporation of the Township of North Himsworth.
  - v. The Corporation of the Township of Himsworth South.
5. Area 4 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 4:
  - i. The Corporation of the Township of Magnetawan.
  - ii. The Corporation of the Village of South River.
  - iii. The Corporation of the Village of Sundridge.
  - iv. The Corporation of the Township of Joly.
  - v. The Corporation of the Township of Machar.

6. Area 5 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 5:

- i. The Corporation of the Township of Armour.
- ii. The Corporation of the Village of Burk's Falls.
- iii. The Corporation of the Town of Kearney.
- iv. The Corporation of the Township of McMurrich/Monteith.
- v. The Corporation of the Township of Perry.
- vi. The Corporation of the Township of Ryerson.
- vii. The Corporation of the Township of Strong.

## Schedule 5

THE DISTRICT OF RAINY RIVER SOCIAL SERVICES  
ADMINISTRATION BOARD

1. That part of the Territorial District of Rainy River that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Rainy River Social Services Administration Board.

2. The District of Rainy River Social Services Administration Board continues to consist of eight members and those members continue to represent the same areas, as follows:

1. Two members at large to be appointed by the Lieutenant Governor in Council.
2. Area 1 is the area of jurisdiction of The Corporation of the Township of Lake of the Woods and one member shall be appointed by the council of that municipality to represent Area 1.
3. Area 2 is the area of jurisdiction of The Corporation of the Township of Dawson and one member shall be appointed by the council of that municipality to represent Area 2.
4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 3:
  - i. The Corporation of the Township of Chapple.
  - ii. The Corporation of the Township of Morley.
5. Area 4 is the area of jurisdiction of the following municipalities and one member shall be jointly appointed by the councils of those municipalities to represent Area 4:
  - i. The Corporation of the Township of Alberton.
  - ii. The Corporation of the Township of Emo.
  - iii. The Corporation of the Township of La Vallée.
6. Area 5 is the area of jurisdiction of The Corporation of the Town of Fort Frances and one member shall be appointed by the council of that municipality to represent Area 5.
7. Area 6 is the area of jurisdiction of The Corporation of the Township of Atikokan and one member shall be appointed by the council of that municipality to represent Area 6.



**Schedule 6****THE DISTRICT OF SUDBURY SOCIAL SERVICES  
ADMINISTRATION BOARD**

1. That part of the Territorial District of Sudbury that on June 30, 1998 was a district for the purposes of the Act continues as the district for the District of Sudbury Social Services Administration Board.

2. The District of Sudbury Social Services Administration Board continues to consist of nine members and those members continue to represent the same areas, as follows:

1. One member at large shall be appointed by the Lieutenant Governor in Council.

2. Area 1 is the area of jurisdiction of The Regional Municipality of Sudbury and six members shall be appointed by the regional council of that municipality to represent Area 1.

3. Area 2 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 2:

i. The Corporation of the Township of Chapleau.

ii. The Corporation of the Township of Hagar.

iii. The Corporation of the Township of Casimir, Jennings and Appleby.

iv. The Corporation of the Township of Ratter and Dunnet.

v. The Corporation of the Township of Cosby, Mason and Martland.

4. Area 3 is the area of jurisdiction of the following municipalities and one member shall be appointed jointly by the municipal councils of those municipalities to represent Area 3.

i. The Corporation of the Town of Espanola.

ii. The Corporation of the Township of Sables-Spanish Rivers.

iii. The Corporation of the Township of Nairn and Hyman.

iv. The Corporation of the Township of Baldwin.

bands set out in Schedule 2 are designated as geographic areas and those bands are designated as delivery agents for those reserves.

**2. Section 4 of the Regulation is revoked and the following substituted:**

4. A delivery agent may enter into an agreement giving another person authority to determine eligibility for assistance only if,

(a) the other person is a delivery agent, a municipality or a district social services administration board;

(b) the agreement requires the other person to comply with any duties of the delivery agent under the Act with respect to that authority; and

(c) the agreement authorizes the delivery agent to cancel the agreement if the other person does not comply with those duties.

**3. Schedule 2 to the Regulation is revoked and the following substituted:**

**Schedule 2**

1. Chippewas of Mnjikaning First Nation

2. Walpole Island

3. Wasauksing First Nation

4. Six Nations of the Grand River

5. Saugeen

6. Chippewas of Nawash

7. Mississaugas of the Credit

8. Moravian of the Thames

9. Chippewas of Georgina Island

10. Mohawks of the Bay of Quinte

11. Alderville First Nation

12. Curve Lake

13. Mississauga's of Scugog Island First Nation

14. Hiawatha First Nation

15. Chippewas of Sarnia

16. Chippewas of Kettle and Stoney Point

17. Beausoleil

18. Mississauga

19. Sagamok Anishnawbek

20. Whitefish Lake

21. Nipissing First Nation

22. Dokis

23. Wahta Mohawk

26/98

**ONTARIO REGULATION 279/98**  
made under the  
**ONTARIO WORKS ACT, 1997**

Made: June 4, 1998

Filed: June 11, 1998

Amending O. Reg. 136/98  
(Designation of Geographic Areas and Delivery Agents)

Note: Ontario Regulation 136/98 has not previously been amended.

**1. Section 2 of Ontario Regulation 136/98 is revoked and the following substituted:**

**2. The geographic areas, as constituted from time to time, of the lands designated under the *Indian Act* (Canada) as the reserves of the**

24. Batchewana First Nation
25. Garden River First Nation
26. Sheguiandah
27. Sheshegwaning
28. Ojibways of Sucker Creek
29. West Bay
30. Whitefish River
31. Fort William
32. Iskatewizaagegan No. 39 Independent First Nation
33. Shoal Lake No. 40
34. Naotkamewanning
35. Couchiching First Nation
36. Shawanaga First Nation
37. Serpent River
38. Henvey Inlet First Nation
39. Rainy River
40. Golden Lake
41. Oneida Nation of the Thames
42. Wikwemikong
43. Munsee-Delware Nation
44. Chippewas of the Thames First Nation
45. Moose Deer Point
46. Moose Cree First Nation
47. Wabigoon Lake Ojibway Nation
48. Constance Lake
49. Wabaseemoong Independent First Nation
50. Eagle Lake
51. Ojibways of Onegaming
52. Eabametoong First Nation
53. Grassy Narrows
54. Rocky Bay
55. Nicickousemenecaning
56. Naicatchewenin
57. Lac La Croix
58. Mishkeegogamang
59. Martin Falls
60. Big Island
61. Northwest Angle No. 33
62. Ginoogaming First Nation
63. Long Lake No. 58 First Nation
64. Northwest Angle No. 37
65. Cat Lake
66. Brunswick House
67. Ojibways of the Pic River First Nation
68. Mattagami
69. Seine River First Nation
70. North Caribou Lake
71. Pikangikum
72. Big Grassy
73. Matachewan
74. Chapleau Ojibway
75. Attawapiskat
76. Sandy Lake
77. Kingfisher
78. Wunnumin
79. Temagami First Nation
80. Kasabonika Lake
81. Bearskin Lake
82. Magnetawan
83. Muskrat Dam Lake
84. Thessalon
85. Wapekeka
86. Michipicoten
87. Anishinabe of Wauzhushk Onigum
88. Washagamis Bay
89. Lac Seul
90. Albany (Fort Albany)
91. Fort Severn
92. Stanjikoming First Nation

93. Ochiichagwe'Babigo'Ining First Nation

94. Wabauskang First Nation

95. Pic Mobert

96. Sachigo Lake

97. Deer Lake

98. North Spirit Lake

99. Gull Bay

100. Wahgoshig

101. Pays Plat

102. Albany (Kashechewan)

103. Poplar Hill

104. Red Rock

105. Cockburn Island

106. White Sand

107. Kee-Way-Win

**4. This Regulation comes into force on July 1, 1998.**

JANET ECKER  
*Minister of Community and Social Services*

Dated on June 4, 1998.

26/98

**ONTARIO REGULATION 280/98**  
made under the  
**DISTRICT SOCIAL SERVICES ADMINISTRATION**  
**BOARDS ACT**

Made: June 4, 1998  
Filed: June 11, 1998

**DISTRICT SOCIAL SERVICES**  
**ADMINISTRATION BOARDS**

1. For the purposes of subsection 3 (1) of the Act, each of the corporations that on June 30, 1998 was a district welfare administration board continues as a district social services administration board.

**2. This Regulation comes into force on July 1, 1998.**

JANET ECKER  
*Minister of Community and Social Services*

Dated on June 4, 1998.

26/98

**ONTARIO REGULATION 281/98**  
made under the  
**SOCIAL HOUSING FUNDING ACT, 1997**

Made: June 10, 1998  
Filed: June 11, 1998

Amending O. Reg. 488/97  
(General)

Note: Ontario Regulation 488/97 has been amended by Ontario Regulations 101/98, 170/98 and 267/98.

**1. Section 1 of Ontario Regulation 488/97 is amended by adding the following definitions:**

"delivery agent" means a municipality or prescribed board that is designated under section 38 of the *Ontario Works Act, 1997* as the delivery agent for a geographic area under that Act;

"designation date", when used in connection with a county and the separated municipalities in it, means the first date on which one delivery agent is designated for all of them;

**2. Section 2 of the Regulation is revoked and the following substituted:**

**2. The following entities are prescribed as boards for the purposes of subsection 4 (4) of the Act:**

1. Algoma District Social Services Administration Board.
2. Cochrane District Social Services Administration Board.
3. Nipissing District Social Services Administration Board.
4. Parry Sound District Social Services Administration Board.
5. Rainy River District Social Services Administration Board.
6. Sudbury District Social Services Administration Board.

**3. Subsection 6 (5) of the Regulation is amended by striking out "Subject to subsection 7 (5)" at the beginning and substituting "Subject to section 7.6".**

**4. Section 7 of the Regulation is revoked and the following substituted:**

**7. Sections 7.1 to 7.7 apply with respect to every county with one or more separated municipalities.**

**7.1 (1)** At any time on or after January 1, 1998, a county and the separated municipalities in it may enter into an agreement under which the provincial social housing costs allocated to them are apportioned among the parties,

- (a) in accordance with the percentages set out in the agreement; or
- (b) so that each party is responsible for provincial social housing costs incurred with respect to housing in the area over which it has jurisdiction.

(2) The agreement becomes effective,

(a) if a date is specified in the agreement,

(i) on the specified date, if it is the first day of a month, or

(ii) on the first day of the month after the specified date, if that date is not the first day of a month; or

- (b) on the first day of the month after the day it is made, if no date is specified in the agreement.

(3) The agreement may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.

(4) If there is one delivery agent for the county and the separated municipalities in it, the delivery agent shall provide a copy of the agreement to the Minister forthwith after it is made.

(5) If there is more than one delivery agent for the county and the separated municipalities in it, the county shall provide a copy of the agreement to the Minister forthwith after it is made.

**7.2** Arbitrations under sections 7.3, 7.4 and 7.5 are governed by the *Arbitration Act, 1991*, subject to those sections and to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitration is commenced.
2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
3. The arbitrator shall make a final award that disposes of the issue, within three months after being appointed.
4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.
5. The final award shall apportion among the parties the provincial social housing costs allocated to them, as described in clause 7.1 (1) (a) or (b).
6. The arbitration shall not deal with provincial social housing costs incurred before the designation date.
7. The final award may be effective with respect to a period before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.
9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
10. At any time during the arbitration, the parties may enter into an agreement under section 7.1 that includes an agreement apportioning the costs of the arbitration among the parties, in which case the arbitration terminates.
11. The parties may, at any time, amend the final award by agreement or replace the award with an agreement under section 7.1.

**7.3** (1) If, by September 8, 1998, a county and the separated municipalities in it have not entered into an agreement under section 7.1, they shall be deemed to have commenced an arbitration on September 8, 1998 of the apportionment among them of the provincial social housing costs allocated to them.

(2) At any time before September 8, 1998 a party may, by serving a notice on the other parties, commence an arbitration of the apportionment.

(3) The rules set out in section 7.2 and the following rule apply to an arbitration under this section:

1. The final award shall come into effect or be deemed to have come into effect on the designation date, if it is the first day of the month, and otherwise on the first day of the first month after the designation date, and the final award remains in effect unless superseded by an agreement under subsection 7.1 (1) or a final award in a subsequent arbitration.

**7.4** (1) If a final award has been in effect for at least two years, a party may, by serving a notice on the other parties, commence a new arbitration to deal with the apportionment among the parties of the provincial social housing costs allocated to them.

(2) The rules set out in section 7.2 and the following rule apply to an arbitration under subsection (1):

1. The final award shall come into effect and supersede the previous award or be deemed to have come into effect and superseded the previous award on the later of,
  - i. the day that is three years after the effective date of the previous award, and
  - ii. the day the notice is served if it is served on the first day of a month and otherwise the first day of the month after the day the notice is served.

**7.5** (1) If an agreement expires or is terminated in accordance with the agreement and the parties have not entered into a new agreement, they shall be deemed to have commenced an arbitration on the date of expiry or termination with respect to the apportionment among them of the provincial social housing costs allocated to them.

(2) The date of expiry or termination of the agreement,

- (a) shall be the date determined in accordance with the agreement or notice of termination, if that date is the last day of a month; and
- (b) otherwise, shall be deemed to be the last day of the month in which that date falls.

(3) A party may commence an arbitration of the apportionment by serving a notice on the other parties,

- (a) if a notice of termination of the agreement is served, on or after the day it is served; or
- (b) otherwise, at any time during the 12 months preceding the date of expiry of an agreement.

(4) The rules set out in section 7.2 and the following rules apply to an arbitration under this section:

1. Subject to paragraph 2, the final award shall come into effect or be deemed to have come into effect on the day after the date of expiry or termination of the agreement, and supersedes the agreement as of that date.
2. If the agreement expires or is terminated before the final award is made,
  - i. the agreement shall be deemed to be in effect until the final award is made, and
  - ii. the final award shall provide for a monetary reconciliation among the parties.

7.6 If an agreement under section 7.1 or an arbitrator's award under section 7.3, 7.4, 7.5 or 7.7 is in effect, the provincial social housing costs to be recovered from the county and the separated municipalities in it shall be recovered in accordance with the agreement or award.

7.7 (1) If an arbitration is commenced or is deemed to be commenced under this Regulation but an arbitrator has not yet been appointed and an arbitration involving the same parties is commenced or is deemed to be commenced under one or more of the provisions listed in subsection (2) but an arbitrator has not yet been appointed,

- (a) one arbitrator shall be appointed for all of those arbitrations; and
- (b) those arbitrations shall be held as one arbitration.

(2) Subsection (1) applies with respect to:

1. Paragraph 2 of subsection 18 (3) and subsection 18 (4) of the *Day Nurseries Act*.
2. Paragraph 2 of subsection 55 (8) and subsection 55 (9) of the *Ontario Disability Support Program Act, 1997*.
3. Paragraph 2 of subsection 74 (7) and subsection 74 (8) of the *Ontario Works Act, 1997*.
4. Paragraph 2 of subsection 13 (2) and subsection 13 (3) of Schedule D to the *Social Assistance Reform Act, 1997*.

(3) An arbitration under this section is governed by the *Arbitration Act, 1991*, subject to the following rules:

1. The parties may jointly appoint a single arbitrator on or after the day the arbitrations are consolidated.
2. If the parties are entitled to appoint an arbitrator jointly but have not done so, the Ontario Court (General Division) may make the appointment on a party's application under section 10 of the *Arbitration Act, 1991*.
3. The arbitrator shall make a final award that disposes of the issue within three months after being appointed.
4. The date by which the arbitrator is required to make an award shall not be extended by a court, despite section 39 of the *Arbitration Act, 1991*. However, that date may be extended by agreement of the parties.
5. The final award shall apportion among the parties the provincial social housing costs allocated to them, as described in clause 7.1 (1) (a) or (b).
6. The arbitration shall not deal with provincial social housing costs incurred before the designation date.
7. The final award may be effective with respect to a period or periods before it is made and, in that case, shall provide for a monetary reconciliation among the parties.
8. A party may appeal the final award to the Ontario Court (General Division) only on a question of law, with leave, which the court shall grant only if it is satisfied that the conditions in clauses 45 (1) (a) and (b) of the *Arbitration Act, 1991* are met. No appeal lies on a question of fact or of mixed law and fact, despite any agreement by the parties.
9. The arbitrator shall provide a copy of the final award to the Minister forthwith after it is made.
10. At any time during the arbitration, the parties may enter into an agreement under section 7.1 that includes an agreement appor-

tioning among the parties that part of the costs of the arbitration attributable to provincial social housing costs, in which case that part of the arbitration terminates.

11. The parties may, at any time, amend that part of the final award concerning provincial social housing costs by agreement or replace that part of the award with an agreement under section 7.1.
12. That part of the final award in the consolidated arbitration attributable to provincial social housing costs comes into effect in accordance with subsection 7.3 (3), 7.4 (2) or 7.5 (4), as the case may be.

5. This Regulation comes into force on July 1, 1998.

26/98

ONTARIO REGULATION 282/98  
made under the  
ASSESSMENT ACT

Made: June 11, 1998  
Filed: June 12, 1998

GENERAL  
CONTENTS

	Sections
PART I INTERPRETATION .....	1
Vacant land .....	1
PART II CLASSES OF REAL PROPERTY .....	2 - 18
Classes .....	2
Residential/farm property class .....	3
Multi-residential property class .....	4
Commercial property class .....	5
Industrial property class .....	6
Pipe line property class .....	7
Farmlands property class .....	8
Managed forests property class .....	9
New multi-residential property class .....	10
Office building property class .....	11
Shopping centre property class .....	12
Parking lots and vacant land property class .....	13
Large industrial property class .....	14
Buildings, structures that become vacant .....	15
Mobile homes .....	16
Hotels .....	17
Application of Part .....	18
PART III SUBCLASSES OF REAL PROPERTY .....	19 - 23
Farm land awaiting development .....	19
Vacant land .....	20
Vacant units and excess land .....	21, 22
Application of Part .....	23
PART IV EXEMPT CONSERVATION LAND .....	24 - 28
Determination of conservation land .....	24 - 27
Application of Part .....	28
PART V DISPUTES RELATING TO THE FARMLANDS PROPERTY CLASS .....	29 - 32
Definitions .....	29
Requests for reconsideration under section 39.1 of the Act .....	30

Complaints under section 40 of the Act . . . . .	31
Special consideration for 1998 if no application . . . . .	32

## PART VI DISPUTES RELATING TO THE MANAGED FORESTS PROPERTY CLASS . . . . .

Definitions . . . . .	33
Requests for reconsideration under section 39.1 of the Act . . . . .	34
Complaints under section 40 of the Act . . . . .	35
Special consideration for 1998 if deadline missed . . . . .	36

## PART VII DISPUTES RELATING TO CONSERVATION LAND . . . . .

Definitions . . . . .	37
Requests for reconsideration under section 39.1 of the Act . . . . .	38
Complaints under section 40 of the Act . . . . .	39
Special consideration for 1998 if deadline missed . . . . .	40

## PART VIII ASSESSMENT OF PIPE LINES . . . . .

Determination of assessed value . . . . .	41
Application of Part . . . . .	42
Table 1— Offshore Pipe Lines	
Table 2— Plastic Field Gathering Pipe Lines and Plastic Gas Distribution Pipe Lines	
Table 3— Pipe Lines other than Pipe Lines to which Table 1 or 2 apply	
Table 4— Depreciation rates	

## PART IX MISCELLANEOUS . . . . .

Procedure for school support applications . . . . .	43
Other buildings to which subsection 19 (5) of the Act applies . . . . .	44
Subsection 19 (5.4) of the Act—farm land awaiting development . . . . .	45
Subsection 19 (5.2) of the Act—current use valuation . . . . .	46
Commencement . . . . .	47

## PART I INTERPRETATION

### VACANT LAND

1. (1) The following land, if it is not being used, is vacant land for the purposes of this Regulation:

1. Land that has no buildings or structures on it.
2. Land upon which a building or structure is being built.
3. Land upon which a building or structure has been built if no part of the building or structure has yet been used.
4. Land upon which a building or structure has been built if the building or structure is substantially unusable.

(2) For greater certainty, any occupation of a building or structure is a use for the purposes of paragraph 3 of subsection (1) and once a building or structure has been occupied the land upon which the building or structure is located cannot be vacant land unless the building or structure becomes substantially unusable.

(3) A portion of a parcel of land is vacant land for the purposes of this Regulation if,

- (a) there is no building or structure on the portion of the parcel or there is a building or structure on the portion but no part of the building or structure has yet been used;
- (b) there is a building or structure on the rest of the parcel; and
- (c) the portion of the parcel is zoned for a kind of development that is different from the development on the rest of the parcel.

## PART II CLASSES OF REAL PROPERTY

### CLASSES

2. The following classes of real property are prescribed for the purposes of the Act:

1. The residential/farm property class.
2. The multi-residential property class.
3. The commercial property class.
4. The industrial property class.
5. The pipe line property class.
6. The farmlands property class.
7. The managed forests property class.
8. The new multi-residential property class.
9. The office building property class.
10. The shopping centre property class.
11. The parking lots and vacant land property class.
12. The large industrial property class.

### RESIDENTIAL/FARM PROPERTY CLASS

3. (1) The residential/farm property class consists of the following:

1. Land used for residential purposes that is,
  - i. land that does not have seven or more self-contained units,
  - ii. a unit or proposed unit, as defined in the *Condominium Act*,
  - iii. land owned by a co-operative, as defined in the *Co-operative Corporations Act*, the primary object of which is to provide housing to its members or land leased by such a co-operative if the term of the lease is at least 20 years,
  - iv. subject to subsection (2), land with seven or more self-contained units owned by a corporation with or without share capital each shareholder or member of which has a right, by virtue of being a shareholder or member of the corporation, to occupy one of the units,
  - v. subject to subsection (2), land with seven or more self-contained units owned by individuals only, each of whom has an undivided interest in the land and a right, arising from a contract with the other owners, to occupy one of the units, if at least half the units are occupied by the owners with a right to occupy them,
  - vi. land with self-contained units, organized as what is commonly known as a timeshare, that,

A. is owned by persons, each of whom has an undivided interest in the land and a right to occupy a unit on a periodic basis for at least one week at a time, or

B. is leased by persons, for terms of at least 20 years, each of whom has a right to occupy a unit on a periodic basis for at least one week at a time,

vii. a group home as defined in subsection 240 (1) of the *Municipal Act*,

viii. a care home, as defined in the *Tenant Protection Act, 1997*, that does not have seven or more self-contained units and that is not included in the commercial property class under paragraph 2 of section 5,

ix. land used for residential purposes on a seasonal basis, including campgrounds.

2. Land not used for residential purposes that is,

i. farm land to which subsection 19 (5) of the Act applies for the taxation year for which the land is being classified, other than land in the farmlands property class or buildings prescribed under section 44,

ii. land used by a non-profit organization for child care purposes that is either,

A. land owned by the organization, or

B. land leased by the organization, other than land that would otherwise be in the commercial property class or the industrial property class,

iii. land owned by a religious organization other than land occupied by a tenant and used for a commercial activity,

iv. land owned and occupied by a non-profit service organization, a non-profit private club or a non-profit recreational sports club, other than land used as a golf course or ski resort,

v. land owned by a conservation authority, other than land occupied by a tenant and used for a commercial activity or land used as a golf course or ski resort,

vi. land used as a golf course, including buildings or structures used for the purpose of maintaining the golf course, but not including any other buildings and structures and the land used in connection with those other buildings or structures,

vii. land used as a driving range for at least four consecutive months a year but not including any buildings and structures and the land used in connection with those buildings or structures,

viii. land used as a ski resort, including ski-lifts and buildings or structures used for the purpose of maintaining ski hills or trails, but not including any other buildings and structures and the land used in connection with those other buildings or structures,

ix. vacant land principally zoned for residential development but not principally zoned for multi-residential development.

(2) Land described in subparagraph iv or v of paragraph 1 of subsection (1) is included in the residential/farm property class for a taxation year after 1998 only if the land was included in the residential/farm property class, under subparagraph iv or v, for the 1998 taxation year.

(3) In subparagraph vii of paragraph 2 of subsection (1),

"driving range" means an outdoor practice area for driving golf balls.

#### MULTI-RESIDENTIAL PROPERTY CLASS

4. (1) The multi-residential property class consists of the following:

1. Land used for residential purposes that has seven or more self-contained units other than land included in the residential/farm property class under paragraph 1 of subsection 3 (1).

2. Vacant land principally zoned for multi-residential development.

(2) Land in the new multi-residential property class is not included in the multi-residential property class.

#### COMMERCIAL PROPERTY CLASS

5. The commercial property class consists of the following:

1. Land and vacant land that is not included in any other property class.

2. A care home, as defined in the *Tenant Protection Act, 1997*, to which that Act does not apply, that is operated with the intention of generating a profit and that does not have seven or more self-contained units.

3. If a portion of land is in the office building property class, any other portion of the land that is not included in any other property class.

4. If a portion of land is in the shopping centre property class, any other portion of the land that is not included in any other property class.

#### INDUSTRIAL PROPERTY CLASS

6. (1) The industrial property class consists of the following:

1. Land used for or in connection with,

i. manufacturing, producing or processing anything,

ii. research or development in connection with manufacturing, producing or processing anything,

iii. storage, by a manufacturer, producer or processor, of anything used or produced in such manufacturing, production or processing if the storage is at the site where the manufacturing, production or processing takes place, or

iv. retail sales, by a manufacturer, producer or processor, of anything produced in such manufacturing, production or processing if the retail sales are at the site where the manufacturing, production or processing takes place.

2. Vacant land principally zoned for industrial development.

(2) The following are included in the industrial property class:

1. Land used to manufacture or transform electricity.

2. Land used for mining, quarrying or producing oil or gas or for extracting anything from the earth.

3. Shipyards and dry docks.

4. Elevators used to receive, store, clean, treat or transfer feed for livestock or grain.

5. A sewage or water treatment plant other than a plant owned by a commission as defined in subsection 27 (1) of the Act.

(3) A building used exclusively for office or administrative purposes is not included in the industrial property class unless it is attached to a building or structure included in the industrial property class.

(4) Land in the large industrial property class is not included in the industrial property class.

#### PIPE LINE PROPERTY CLASS

7. The pipe line property class consists of pipe lines within the meaning of subsection 25 (1) of the Act.

#### FARMLANDS PROPERTY CLASS

8. (1) The farmlands property class consists of land determined in accordance with this section to be farmland.

(2) Land used for farming, including outbuildings is farmland for a taxation year if the following requirements are satisfied:

1. A farming business, within the meaning of the *Farm Registration and Farm Organizations Funding Act, 1993*, is carried out on the land.
2. Subsection 19 (5) of the Act applies to the land for the taxation year.
3. The land is owned by,
  - i. an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence,
  - ii. a corporation that has issued and allocated shares to which are attached more than 50 per cent of the voting rights ordinarily exercisable at meetings of the shareholders and that are owned by individuals described in subparagraph i, or
  - iii. a partnership of which more than 50 per cent of the income or loss of the partnership is allocated to partners who are persons described in subparagraph i or ii.
4. If the person carrying on the farming business was required to file a completed farming business registration form under the *Farm Registration and Farm Organizations Funding Act, 1993* in the year before the taxation year,
  - i. the person carrying on the farming business filed the form as required and was issued a registration number, and
  - ii. if the owner of the land is not the person carrying on the farm business, the owner applied to have the land classified as farmland and the application was made before September 1 in the year before the taxation year on a form provided by the Minister of Agriculture, Food and Rural Affairs.
5. If paragraph 4 does not apply because an order was made under section 22 of the *Farm Registration and Farm Organizations Funding Act, 1993* that filing be waived, the owner of the land applied to have the land classified as farmland and the application was made before September 1 in the year before the taxation year on a form provided by the Minister of Agriculture, Food and Rural Affairs. However, the owner is not required to apply if the owner is the person carrying on the farming business.
6. If paragraph 4 does not apply because the annual gross income of the farming business was less than the amount prescribed for the purposes of section 2 of the *Farm Registration and Farm Organizations Funding Act, 1993*, the owner of the land applied to have the land classified as farmland, the application was made before September 1 in the year before the taxation year on a form pro-

vided by the Minister of Agriculture, Food and Rural Affairs and the requirements set out in subsection (3) are met.

(3) One of the following requirements must be met for the purposes of paragraph 6 of subsection (2):

1. In the opinion of the Minister of Agriculture, Food and Rural Affairs, the annual gross income referred to in paragraph 6 of subsection (2) was for a year that was not a normal production year but, if it had been, the annual gross income would have been equal to or greater than the amount prescribed for the purposes of section 2 of the *Farm Registration and Farm Organizations Funding Act, 1993*.
2. The person carrying on the farming business owns the land and,
  - i. the farming business provided an annual gross income that is more than zero,
  - ii. there are at least 10 years such that each year is a year,
    - A. in which the owner or his or her spouse owned the land and carried on the farming business, and
    - B. for which either the owner or his or her spouse qualified under the farm tax rebate program established under O.C. 3033/90 in respect of the land or the land was in the farmlands property class, and
  - iii. the age or illness of the owner or his or her spouse or the death of the owner's spouse was the reason the annual gross income of the farming business was less than the amount prescribed for the purposes of section 2 of the *Farm Registration and Farm Organizations Funding Act, 1993*.
- (4) Land used for farming is farmland for a taxation year,
  - (a) if it is owned by a conservation authority and subsection 19 (5) of the Act applies to the land; or
  - (b) if it is owned by the Agricultural Rehabilitation and Development Directorate of Ontario.

(5) For the 1998 taxation year, subsections (2) and (3) do not apply. For that taxation year, land, other than land owned by a conservation authority or the Agricultural Rehabilitation and Development Directorate of Ontario, is farmland if the owner or the owner's spouse qualified under the farm tax rebate program established under O.C. 3033/90 in respect of the land for the 1997 taxation year.

(6) In this section,

"annual gross income" means the annual gross income as determined under subsection 1 (2) of Ontario Regulation 723/93 under the *Farm Registration and Farm Organizations Funding Act, 1993*.

#### MANAGED FORESTS PROPERTY CLASS

9. (1) The managed forests property class consists of eligible land determined in accordance with this section to be managed forest land.

(2) Land that is covered by a forest, and including outbuildings used for forest operations, is eligible land if the following requirements are satisfied:

1. The land is owned by,
  - i. an individual who is a Canadian citizen or has been lawfully admitted to Canada for permanent residence,
  - ii. a corporation that has issued and allocated shares to which are attached more than 50 per cent of the voting rights



ordinarily exercisable at meetings of the shareholders and that are owned by individuals described in subparagraph i,

iii. a partnership of which more than 50 per cent of the income or loss of the partnership is allocated to partners who are persons described in subparagraph i or ii,

iv. a conservation authority, or

v. a trust established by a person described in subparagraph i or ii, a partnership described in subparagraph iii or a conservation authority, but only if 50 per cent or more of the beneficial interest in the trust property is held by those persons, partnerships or conservation authorities.

2. The forest including any area included under subsection (3) is at least four hectares in size.

3. The land is all or part of a single parcel of land or, if the land consists of land from more than one parcel, the forest on land in each parcel satisfies the requirement in paragraph 2.

4. Subject to subsection (3), the forest has, per hectare, at least,

i. 1,000 trees of any size,

ii. 750 trees that, at a height of 1 1/3 metres, are more than 5 centimetres in diameter,

iii. 500 trees that, at a height of 1 1/3 metres, are more than 12 centimetres in diameter, or

iv. 250 trees that, at a height of 1 1/3 metres, are more than 20 centimetres in diameter.

5. The land is not,

i. land for which a plan of subdivision has been registered, or

ii. licensed under the *Aggregate Resources Act* or zoned for aggregate extraction if that Act does not apply to the land.

(3) An area in a parcel of land that does not have enough trees to satisfy the requirement in paragraph 4 of subsection (2) forms part of the eligible land in the parcel if the area contributes to the objectives of the managed forest plan for the forest and if the total of such areas does not exceed 10 per cent of the forest on the land in the parcel that satisfies the requirement in paragraph 4 of subsection (2).

(4) Eligible land is managed forest land for a taxation year if the requirements set out in subsection (5) or (6) are met.

(5) The following requirements apply with respect to eligible land that was not managed forest land for the previous taxation year:

1. On or before August 31 of the previous taxation year, the owner of the eligible land must submit a completed application for the classification of the land as managed forest land to a designated government agent.

2. In the application, the owner must state that the land is eligible land.

3. In the application, the owner must agree,

i. to manage the forest in accordance with the approved managed forest plan,

ii. to allow a person selected by the Minister of Natural Resources to inspect the land and to inspect documents relating to the land to ensure that the forest is being managed in accordance with the approved managed forest plan and that the land remains eligible land, and

iii. to co-operate with the person described in subparagraph ii in the course of the inspection.

4. The application must be accompanied by a copy of an approved managed forest plan for the forest.

(6) The following requirements apply with respect to eligible land that was managed forest land for the previous taxation year:

1. Since the most recent previous application for the classification of the land as managed forest land was made, the land must have been managed in accordance with the managed forest plan and the owner must not have breached anything the owner agreed to in the previous application.

2. On or before August 31 of the previous taxation year, the owner of the eligible land must submit a completed application for the classification of the land as managed forest land to a designated government agent.

3. In the application, the owner must state that,

i. the land is eligible land and the owner wishes the land to continue to be managed forest land, and

ii. the requirement in paragraph 1 is satisfied.

4. In the application, the owner must agree,

i. to manage the forest in accordance with the approved managed forest plan,

ii. to allow a person selected by the Minister of Natural Resources to inspect the land and to inspect documents relating to the land to ensure that the forest is being managed in accordance with the approved managed forest plan and that the land remains eligible land, and

iii. to co-operate with the person described in subparagraph ii in the course of the inspection.

5. The owner must have an audit of the forest performed on or before August 31 of the previous taxation year unless the forest has been audited during the five years preceding the beginning of the current taxation year. Subject to subsection (8), this paragraph does not apply with respect to any of the first five taxation years for which the land is classified as managed forest land.

6. The audit must be performed by a managed forest plan approver, but not by the person who approved the managed forest plan then in effect.

(7) A managed forest plan that is approved under the Managed Forest Tax Rebate Program of the Ministry of Natural Resources for 1996 or 1997 shall be deemed to be an approved managed forest plan.

(8) An audit is required under paragraph 5 of subsection (6),

(a) for an application respecting the year 2001, if the approved managed forest plan for the forest is a managed forest plan approved under the Managed Forest Tax Rebate Program of the Ministry of Natural Resources for 1996;

(b) for an application respecting the year 2002, if the approved managed forest plan for the forest is a managed forest plan approved under that Program for 1997.

(9) An approved managed forest plan may be amended or replaced but the new or amended plan does not take effect until it is approved and a copy of the new or amended plan, as approved, is given to the designated government agent.

(10) If managed forest land changes owners, the new owner may meet the requirements of subsection (5) instead of subsection (6) for the first taxation year for which the new owner submits an application under this section but, even if the new owner does so, the requirement in paragraph 5 of subsection (6) still applies.

(11) The following rules apply for the purposes of the 1998 taxation year:

1. Subject to paragraph 2, the deadline for submitting applications and documents under subsection (5) is December 1, 1997 and not August 31, 1997.
2. If the eligible land is at least 500 hectares in size, the deadline for submitting an approved managed forest plan is August 31, 1998.

(12) In this section,

"approved managed forest plan" means a managed forest plan that is approved by a managed forest plan approver as having been prepared in accordance with the Ontario government publication published in 1997 titled "A Guide to... The Managed Forest Tax Incentive Program (MFTIP)";

"designated government agent" means a person described in the Ontario government publication published in 1997 titled "A Guide to... The Managed Forest Tax Incentive Program (MFTIP)" as a person to whom applications are to be sent;

"managed forest plan approver" means a person designated by the Minister as a managed forest plan approver.

#### NEW MULTI-RESIDENTIAL PROPERTY CLASS

10. (1) The new multi-residential property class applies within a municipality, the council of which is required to pass a by-law establishing tax ratios under section 363 of the *Municipal Act*, only if the council of the municipality has passed a by-law opting to have the new multi-residential property class apply within the municipality.

(2) The new multi-residential property class consists of land that would otherwise be in the multi-residential property class but that satisfies the following requirements:

1. The units on the land have been built or converted from a non-residential use pursuant to a building permit issued after the by-law adopting the new multi-residential property class was passed.
2. The units on the land were ready for occupation on or before the day as of which land is classified for the taxation year.

(3) Land ceases to be included in the new multi-residential property class after it has been classified as such for eight taxation years.

(4) The council of a municipality that passed a by-law opting to have the new multi-residential property class apply may pass a by-law opting to have the class cease to apply but such a by-law does not affect the classification of land for which a building permit has been issued before the by-law comes into force.

#### OFFICE BUILDING PROPERTY CLASS

11. (1) The office building property class applies within a municipality, the council of which is required to pass a by-law establishing tax ratios under section 363 of the *Municipal Act*, only if the council of the municipality has passed a by-law opting to have the office building property class apply within the municipality.

(2) The office building property class consists of the rentable area of an office building that would otherwise be in the commercial property class that exceeds 25,000 square feet.

(3) For the purposes of subsection (2),

"office building" means,

- (a) a building that is used primarily for offices;
- (b) the part of a building that, but for this section, would otherwise be classified in the commercial property class if that part of the building is used primarily for offices.

(4) If all of the land the office building is part of is in the commercial property class and the office building property class, the share of the assessed value that is attributable to the land described in subsection (2) shall be determined in accordance with the following:

$$\text{Share of assessed value} = \text{Assessed value of land} \times \frac{\text{Rentable area} - 25,000}{\text{Rentable area}}$$

Where,

"Share of assessed value" means the assessed value of the land in the office building property class;

"Assessed value of land" means the assessed value of the land;

"Rentable area" means the rentable area, measured in square feet, of the office building and other structures on the land.

(5) If part of the land the office building is part of is in a class of real property other than the commercial property class or the office building property class, the share of the assessed value that is attributable to the land described in subsection (2) shall be determined in accordance with the following:

$$\text{Share of assessed value} = \text{Assessed value of land} \times \frac{\text{Rentable area} - 25,000}{\text{Rentable area}}$$

Where,

"Share of assessed value" means the assessed value of the land in the office building property class;

"Assessed value of land" means the assessed value attributable to the part of the land that is in the commercial property class or that, but for this section, would otherwise be in the commercial property class;

"Rentable area" means the rentable area, measured in square feet, of the parts of the office building and other structures on the land that are in the commercial property class or that, but for this section, would otherwise be in the commercial property class.

(6) For the purposes of this section, the following shall be deemed not to be in the commercial property class:

1. A hotel as defined in the *Hotel Registration of Guests Act*.
2. A shopping centre within the meaning of subsection 12 (3).

(7) For the purposes of this section, rentable area shall be determined in accordance with the Standard Method for Measuring Floor Area in

Office Buildings, ANSI/BOMA Z65.1-1996, approved by the American National Standards Institute, Inc. on June 7, 1996 and published by the Building Owners and Managers Association International.

(8) The council of a municipality that passed a by-law opting to have the office building property class apply may pass a by-law opting to have the class cease to apply but such a by-law does not apply with respect to a taxation year unless the by-law is passed on or before the last day for passing a by-law opting to have the property class apply for that taxation year.

#### SHOPPING CENTRE PROPERTY CLASS

12. (1) The shopping centre property class applies within a municipality, the council of which is required to pass a by-law establishing tax ratios under section 363 of the *Municipal Act*, only if the council of the municipality has passed a by-law opting to have the shopping centre property class apply within the municipality.

(2) The shopping centre property class consists of the rentable area of a shopping centre that would otherwise be in the commercial property class that exceeds 25,000 square feet.

(3) The following apply for the purposes of subsection (2) :

1. "Shopping centre" means,
  - i. a structure with at least three units that are used primarily to provide goods or services directly to the public and that have different occupants, or
  - ii. a structure used primarily to provide goods or services directly to the public if the structure is attached to a structure described in subparagraph i on another parcel of land.
2. "Shopping centre" does not include any part of an office building within the meaning of subsection 11 (3).

(4) If all of the land the shopping centre is part of is in the commercial property class and the shopping centre property class, the share of the assessed value that is attributable to land described in subsection (2) shall be determined in accordance with the following:

$$\frac{\text{Share of assessed value}}{\text{of land}} = \frac{\text{Assessed value}}{\text{of land}} \times \frac{\text{Rentable area} - 25,000}{\text{Rentable area}}$$

Where,

"Share of assessed value" means the assessed value of the land in the shopping centre property class;

"Assessed value of land" means the assessed value of the land;

"Rentable area" means the rentable area, measured in square feet, of the shopping centre and other structures on the land.

(5) If part of the land the shopping centre is part of is in a class of real property other than the commercial property class or the shopping centre property class, the share of the assessed value that is attributable to land described in subsection (2) shall be determined in accordance with the following:

$$\frac{\text{Share of assessed value}}{\text{of land}} = \frac{\text{Assessed value}}{\text{of land}} \times \frac{\text{Rentable area} - 25,000}{\text{Rentable area}}$$

Where,

"Share of assessed value" means the assessed value of the land in the shopping centre property class;

"Assessed value of land" means the assessed value attributable to the part of the land that is in the commercial property class or that, but for this section, would otherwise be in the commercial property class;

"Rentable area" means the rentable area, measured in square feet, of the parts of the shopping centre and other structures on the land that are in the commercial property class or that, but for this section, would otherwise be in the commercial property class.

(6) For the purposes of this section, the following shall be deemed not to be in the commercial property class:

1. A hotel as defined in the *Hotel Registration of Guests Act*.
2. An office building within the meaning of subsection 11 (3).

(7) For the purposes of this section, rentable area shall be determined in accordance with the Standard Method for Measuring Floor Area in Office Buildings, ANSI/BOMA Z65.1-1996, approved by the American National Standards Institute, Inc. on June 7, 1996 and published by the Building Owners and Managers Association International.

(8) The council of a municipality that passed a by-law opting to have the shopping centre property class apply may pass a by-law opting to have the class cease to apply but such a by-law does not apply with respect to a taxation year unless the by-law is passed on or before the last day for passing a by-law opting to have the property class apply for that taxation year.

#### PARKING LOTS AND VACANT LAND PROPERTY CLASS

13. (1) The parking lots and vacant land property class applies within a municipality, the council of which is required to pass a by-law establishing tax ratios under section 363 of the *Municipal Act*, only if the council of the municipality has passed a by-law opting to have the parking lots and vacant land property class apply within the municipality.

(2) The parking lots and vacant land property class consists of the following land that would otherwise be in the commercial property class:

1. A parcel of land used exclusively for the parking of vehicles.
2. Vacant land.
3. Land that is a railyard, owned and used exclusively by a railway company, upon which no building or structure other than railway tracks is located.

(3) The council of a municipality that passed a by-law opting to have the parking lots and vacant land property class apply may pass a by-law opting to have the class cease to apply but such a by-law does not apply with respect to a taxation year unless the by-law is passed on or before the last day for passing a by-law opting to have the property class apply for that taxation year.

#### LARGE INDUSTRIAL PROPERTY CLASS

14. (1) The large industrial property class applies within a municipality, the council of which is required to pass a by-law establishing tax ratios under section 363 of the *Municipal Act*, only if the council of the municipality has passed a by-law opting to have the large industrial property class apply within the municipality.

(2) The large industrial property class consists of the following land that would otherwise be in the industrial property class:

1. One or more buildings on the same parcel of land that have a single occupant and that have an exterior measured area greater than 125,000 square feet.
2. If one or more building or buildings on the same parcel of land have more than one occupant, the parts of the building or build-

ings that have the same occupant and that have an exterior measured area greater than 125,000 square feet.

3. Grain elevators that have a storage capacity of 1,000,000 bushels or more.
4. Land, the assessed value of which is greater than the total assessed value of all other land in the municipality that has passed the by-law that is in the industrial property class or that, but for this section, would otherwise be in the industrial property class.

(3) For the purposes of this section,

"exterior measured area" means the exterior measured area of all floors including basements and mezzanines.

(4) The council of a municipality that passed a by-law opting to have the large industrial property class apply may pass a by-law opting to have the class cease to apply but such a by-law does not apply with respect to a taxation year unless the by-law is passed on or before the last day for passing a by-law opting to have the property class apply for that taxation year.

#### BUILDINGS, STRUCTURES THAT BECOME VACANT

15. (1) This section applies with respect to land if,

- (a) a building or structure has been built on the land;
- (b) no part of the building or structure is being used but at least part of the building or structure was used at some point since being built; and
- (c) the building or structure is not substantially unusable.

(2) For the 1998 taxation year, the most recent use of the land shall be deemed, for the purposes of classification under this Part, to continue.

(3) For the 1999 and subsequent taxation years, the land shall be classified in the property class in which it was classified for the previous taxation year.

#### MOBILE HOMES

16. Mobile homes used for residential purposes and the land they are on are included in the residential/farm property class and not in the multi-residential property class or the new multi-residential property class even if there are seven or more mobile homes on the land.

#### HOTELS

17. (1) A hotel is included in the commercial property class and not in any other property class.

(2) In this section,

"hotel" means hotel as defined in the *Hotel Registration of Guests Act*.

#### APPLICATION OF PART

18. This Part applies with respect to the 1998 and subsequent taxation years.

### PART III SUBCLASSES OF REAL PROPERTY

#### FARM LAND AWAITING DEVELOPMENT

19. (1) Two subclasses for farm land awaiting development are prescribed for each of the following classes of real property:

1. The residential/farm property class.
2. The multi-residential property class.
3. The commercial property class.
4. The industrial property class.

(2) The first subclass for farmland awaiting development, for each class of real property, consists of land in the class of real property that satisfies the following requirements:

1. The land is used solely for farm purposes.
2. Subsection 19 (5) of the Act would have applied to the land in the absence of subsection 19 (5.4) of the Act and section 45 of this Regulation.
3. There is no building permit for construction on the land other than for a building or structure to be used solely for farm purposes, a residence described in subsection 19 (5) of the Act or a building prescribed for the purposes of that subsection.

(3) The second subclass for farmland awaiting development, for each class of real property, consists of land in the class of real property that would be in the first subclass except that there is a building permit, as described in paragraph 3 of subsection (2), for construction on the land.

#### VACANT LAND

20. (1) A subclass for vacant land is prescribed for each of the commercial property class and the industrial property class.

(2) The subclass for vacant land for the commercial property class consists of the following land in the commercial property class:

1. Vacant land.
2. Land that is a railyard, owned and used exclusively by a railway company, upon which no building or structure other than railway tracks is located.

(3) The subclass for vacant land for the industrial property class consists of vacant land in the industrial property class.

#### VACANT UNITS AND EXCESS LAND

21. (1) A subclass for vacant units and excess land is prescribed for each of the following classes of real property:

1. The commercial property class.
2. The industrial property class.
3. The office building property class.
4. The shopping centre property class.
5. The large industrial property class.

(2) The office building property class and the shopping centre property class are prescribed for the purposes of subparagraph i of paragraph 3 of subsection 8 (1) of the Act and the large industrial property class is prescribed for the purposes of subparagraph ii of paragraph 3 of subsection 8 (1) of the Act.

(3) The subclass for vacant units and excess land for each class of real property consists of the following land in the class of real property:

1. A portion of a building that, throughout the three-month period prior to October 1 in the previous taxation year was unoccupied and, throughout that period,

i. was physically separated from the occupied portions of the building and either,

A. was being offered for lease, publicly and in good faith, including being offered for lease by way of sub-lease or assignment of the lease, for immediate occupation for a term of three months or more, or

B. was subject to a lease, including a sub-lease or a lease that had been assigned, but was not yet occupied under the lease, sub-lease or assigned lease,

ii. was unfit for occupancy, or

iii. was undergoing repairs or renovations that prevented it from being occupied.

2. A portion of a parcel of land if the portion,

i. has not been developed in any way, other than to service the parcel of land,

ii. is not being used, other than for farming purposes, and

iii. is in excess of the municipal requirement for any existing development elsewhere on the parcel.

3. Land to which section 15 applies.

(4) The subclass for vacant units and excess land for the commercial property class also includes the following land in the commercial property class:

1. A portion of a parcel of land if the portion is a railyard, owned and used exclusively by a railway company, upon which no building or structure other than railway tracks is located.

22. (1) Despite section 21, land is not included in a subclass prescribed under that section unless a written application is made by the owner to the assessment commissioner, not later than November 1 in the previous taxation year, to have the land included in the subclass.

(2) An application shall include information showing that the land meets the requirements established under section 21 for inclusion in the subclass.

(3) No application is required for the 1998 taxation year.

#### APPLICATION OF PART

23. This Part applies with respect to the 1998 and subsequent taxation years.

### PART IV EXEMPT CONSERVATION LAND

#### DETERMINATION OF CONSERVATION LAND

24. For the purposes of paragraph 25 of subsection 3 (1) of the Act,

"conservation land" means eligible land that is determined in accordance with this Part to be conservation land.

25. Land is eligible land for the 1998 taxation year if,

(a) it is identified on the list compiled by the Ministry of Municipal Affairs and Housing and titled "Private Lands Eligible for 1998 CLTIP" as that list read on November 15, 1997; or

(b) it is owned by a conservation authority and it is identified on the list compiled by the Ministry of Municipal Affairs and Housing and titled "Conservation Authorities for CL - 1998" including amendments to that list made on or before March 13, 1998.

26. Eligible land that is not owned by a conservation authority is conservation land if the following requirements are met:

1. On or before December 1, 1997, the owner must submit a completed application to the Minister of Municipal Affairs and Housing for designation of the eligible land as conservation land that is exempt from taxation.

2. In the application, the owner must agree,

i. not to undertake activities during the 1998 taxation year that are inconsistent with the land's status as conservation land,

ii. to allow a person selected by the Minister of Natural Resources to inspect the land, and

iii. to co-operate with the person described in subparagraph ii in the course of the inspection.

3. The owner must not undertake activities during the 1998 taxation year that are inconsistent with the land's status as conservation land and must not breach anything the owner has agreed to in the application.

27. Eligible land that is owned by a conservation authority is conservation land if the following requirements are met:

1. The conservation authority must not undertake activities during the 1998 taxation year that are inconsistent with the land's status as conservation land.

2. The conservation authority must allow a person selected by the Minister of Natural Resources to inspect the land and the conservation authority must co-operate with the person in the course of the inspection.

#### APPLICATION OF PART

28. This Part applies with respect to the 1998 taxation year.

### PART V DISPUTES RELATING TO THE FARMLANDS PROPERTY CLASS

#### DEFINITIONS

29. In this Part,

"Administrator" means the Minister of Agriculture, Food and Rural Affairs or the employee of the Ministry of Agriculture, Food and Rural Affairs to whom the Minister has delegated his or her powers under this Part;

"Tribunal" means the Farm Organizations Accreditation Tribunal.

#### REQUESTS FOR RECONSIDERATION UNDER SECTION 39.1 OF THE ACT

30. (1) A person who has received a notice of assessment under the Act in respect of land that is not classified in the farmlands property class may request, under subsection 39.1 (1) of the Act, a reconsideration as to whether the land should be classified in the farmlands property class but such a request must be made to the Administrator and not the assessment commissioner.

(2) A request may not be made under subsection (1) after the expiry of the time limit for making a complaint to the Assessment Review Board under subsection 40 (2) of the Act.

(3) Section 39.1 of the Act applies with respect to a request described in subsection (1) with the following modifications:

1. References to the assessment commissioner or the assessor shall be deemed to be references to the Administrator.
2. If the Administrator is required to give notice of a settlement to the Assessment Review Board under subsection 39.1 (5) of the Act, the Administrator shall also give notice of the settlement to the assessment commissioner.
3. Section 31 applies, with necessary modifications, with respect to the application of section 40 of the Act under subsection 39.1 (8) of the Act.
4. If the current value of the land has not been determined in accordance with subsection 19 (5) of the Act for the taxation year, no settlement may be agreed to by the Administrator unless it is determined that the current value of the land should be determined in accordance with subsection 19 (5) of the Act either,
  - i. by a settlement under section 39.1 of the Act agreed to by the assessment commissioner, or
  - ii. by a decision by the Assessment Review Board under section 40 of the Act or a decision by the court on appeal from such a decision.

#### COMPLAINTS UNDER SECTION 40 OF THE ACT

31. The following apply with respect to a complaint under subsection 40 (1) of the Act that raises an issue as to whether land should be classified as land in the farmlands property class:

1. If the applicability of subsection 19 (5) of the Act to the land is in issue, the Assessment Review Board shall determine that issue and, if necessary as a result of that determination, redetermine the current value of the land. The application of subsection 19 (5) of the Act shall be deemed to be in issue if the current value of the land was not determined in accordance with that subsection.
2. If, after the determination under paragraph 1, there is still an issue as to whether the land should be classified as land in the farmlands property class, the Assessment Review Board shall refer the issue to the Tribunal.
3. The Tribunal shall hold a hearing to determine whether the land should be classified as land in the farmlands property class. Upon determining the issue, the Tribunal shall give the parties and the Assessment Review Board a copy of its decision.
4. The parties to the hearing by the Tribunal are as provided under subsection 40 (5) of the Act except that the Administrator is a party instead of the assessment commissioner. Subsection 40 (7) of the Act applies to the Tribunal but a party added by the Tribunal is a party only to the hearing by the Tribunal.
5. The Tribunal shall give notice of the hearing by the Tribunal to the parties at least 14 days before the date fixed for the hearing.
6. The Assessment Review Board shall determine any remaining issues in accordance with section 40 of the Act.
7. The decision of the Tribunal shall be deemed to be a decision of the Assessment Review Board for the purposes of subsection 40 (12) of the Act.
8. Subsection 40 (13) of the Act applies with respect to the Tribunal.

9. The Tribunal may state a case under section 43 of the Act with respect to issues referred to it.

10. Section 43.1 of the Act applies with respect to decisions of the Tribunal.

#### SPECIAL CONSIDERATION FOR 1998 IF NO APPLICATION

32. (1) For the 1998 taxation year, the Administrator, on a request described in subsection 30 (1), shall agree to a settlement classifying the land in the farmlands property class if,

- (a) the owner or the owner's spouse would have qualified under the tax rebate program described in subsection 8 (5) but no application was made before the applicable deadline; and
- (b) in the Administrator's opinion, there are mitigating circumstances explaining why no application was made before the applicable deadline.

(2) For the 1998 taxation year, the Tribunal, on a complaint described in section 31, shall make a determination that the land should be classified in the farmlands property class if,

- (a) clause (1) (a) is satisfied; and
- (b) in the Tribunal's opinion, there are mitigating circumstances explaining why no application was made before the applicable deadline.

### PART VI DISPUTES RELATING TO THE MANAGED FORESTS PROPERTY CLASS

#### DEFINITIONS

33. In this Part,

"Administrator" means the Minister of Natural Resources or the employee of the Ministry of Natural Resources to whom the Minister has delegated his or her powers under this Part;

"Commissioner" means the Mining and Lands Commissioner appointed under the *Ministry of Natural Resources Act*.

#### REQUESTS FOR RECONSIDERATION UNDER SECTION 39.1 OF THE ACT

34. (1) A person who has received a notice of assessment under the Act in respect of land that is not classified in the managed forests property class may request, under subsection 39.1 (1) of the Act, a reconsideration as to whether the land should be classified in the managed forests property class but such a request must be made to the Administrator and not the assessment commissioner.

(2) A request may not be made under subsection (1) after the expiry of the time limit for making a complaint to the Assessment Review Board under subsection 40 (2) of the Act.

(3) Section 39.1 of the Act applies with respect to a request described in subsection (1) with the following modifications:

1. References to the assessment commissioner or the assessor shall be deemed to be references to the Administrator.
2. If the Administrator is required to give notice of a settlement to the Assessment Review Board under subsection 39.1 (5) of the Act, the Administrator shall also give notice of the settlement to the assessment commissioner.
3. Section 35 applies, with necessary modifications, with respect to the application of section 40 of the Act under subsection 39.1 (8) of the Act.



4. If a settlement is agreed to that the land be classified in the managed forest property class, the person who requested the settlement shall be deemed to have requested the assessment commissioner, under section 39.1 of the Act, to re-determine the current value of the land in accordance with subsection 19 (5.2) of the Act.

#### COMPLAINTS UNDER SECTION 40 OF THE ACT

35. The following apply with respect to a complaint under subsection 40 (1) of the Act that raises an issue as to whether land should be classified as land in the managed forests property class:

1. The Assessment Review Board shall refer the issue as to whether the land should be classified as land in the managed forests property class to the Commissioner.
2. The Commissioner shall hold a hearing to determine whether the land should be classified as land in the managed forests property class. Upon determining the issue, the Commissioner shall give the parties and the Assessment Review Board a copy of its decision.
3. The parties to the hearing by the Commissioner are as provided under subsection 40 (5) of the Act except that the Administrator is a party instead of the assessment commissioner. Subsection 40 (7) of the Act applies to the Commissioner but a party added by the Commissioner is a party only to the hearing by the Commissioner.
4. The procedure that applies under the following provisions of the *Mining Act* with respect to matters under that Act shall apply, with necessary modifications, with respect to the hearing by the Commissioner under paragraph 2,
  - i. subsections 114 (2), (3) and (4),
  - ii. sections 115, 116, 118 to 122 and 125 to 128, and
  - iii. subsection 129 (1).
5. The Assessment Review Board shall determine any remaining issues in accordance with section 40 of the Act including any redetermination of the current value of the land necessary as a result of subsection 19 (5.2) of the Act becoming or ceasing to be applicable as a result of a change in the classification of the land.
6. The decision of the Commissioner shall be deemed to be a decision of the Assessment Review Board for the purposes of subsection 40 (12) of the Act.
7. Subsection 40 (13) of the Act applies with respect to the Commissioner.
8. The Commissioner may state a case under section 43 of the Act with respect to issues referred to it.
9. Section 43.1 of the Act applies with respect to decisions of the Commissioner.

#### SPECIAL CONSIDERATION FOR 1998 IF DEADLINE MISSED

36. (1) For the 1998 taxation year, the Administrator, on a request described in subsection 34 (1), shall agree to a settlement classifying the land in the managed forests property class if,

- (a) subsection 9 (5) has been complied with but paragraph 1 of subsection 9 (11) applied and the deadline under that paragraph was missed;

- (b) the land would have been classified as land in the managed forests property class if the deadline had not been missed; and
- (c) in the Administrator's opinion, there are mitigating circumstances explaining why the deadline was missed.

(2) For the 1998 taxation year, the Commissioner, on a complaint described in section 35, shall make a determination that the land should be classified in the managed forests property class if,

- (a) clauses (1) (a) and (b) are satisfied; and
- (b) in the Commissioner's opinion, there are mitigating circumstances explaining why the deadline was missed.

### PART VII DISPUTES RELATING TO CONSERVATION LAND

#### DEFINITIONS

37. In this Part,

"Administrator" means the Minister of Natural Resources or the employee of the Ministry of Natural Resources to whom the Minister has delegated his or her powers under this Part;

"Commissioner" means the Mining and Lands Commissioner appointed under the *Ministry of Natural Resources Act*.

#### REQUESTS FOR RECONSIDERATION UNDER SECTION 39.1 OF THE ACT

38. (1) A person who has received a notice of assessment under the Act in respect of land may request, under subsection 39.1 (1) of the Act, a reconsideration as to whether the land is conservation land but such a request must be made to the Administrator and not the assessment commissioner.

(2) A request may not be made under subsection (1) after the expiry of the time limit for making a complaint to the Assessment Review Board under subsection 40 (2) of the Act.

(3) Section 39.1 of the Act applies with respect to a request described in subsection (1) with the following modifications:

1. References to the assessment commissioner or the assessor shall be deemed to be references to the Administrator.
2. If the Administrator is required to give notice of a settlement to the Assessment Review Board under subsection 39.1 (5) of the Act, the Administrator shall also give notice of the settlement to the assessment commissioner.
3. Section 39 applies, with necessary modifications, with respect to the application of section 40 of the Act under subsection 39.1 (8) of the Act.
4. If a settlement is agreed to that the land is conservation land, the person who requested the settlement shall be deemed to have requested the assessment commissioner, under section 39.1 of the Act, to re-determine the current value of the land in accordance with subsection 19 (5.2) of the Act.

#### COMPLAINTS UNDER SECTION 40 OF THE ACT

39. Any person, including a municipality or school board, may make a complaint under subsection 40 (1) of the Act that land is or is not conservation land and the following apply with respect to such a complaint:

1. The Assessment Review Board shall refer the issue as to whether the land is conservation land to the Commissioner.

2. The Commissioner shall hold a hearing to determine whether the land is conservation land. Upon determining the issue, the Commissioner shall give the parties and the Assessment Review Board a copy of its decision.
3. The parties to the hearing by the Commissioner are as provided under subsection 40 (5) of the Act except that the Administrator is a party instead of the assessment commissioner. Subsection 40 (7) of the Act applies to the Commissioner but a party added by the Commissioner is a party only to the hearing by the Commissioner.
4. The procedure that applies under the following provisions of the *Mining Act* with respect to matters under that Act shall apply, with necessary modifications, with respect to the hearing by the Commissioner under paragraph 2,
  - i. subsections 114 (2), (3) and (4),
  - ii. sections 115, 116, 118 to 122 and 125 to 128, and
  - iii. subsection 129 (1).
5. The Assessment Review Board shall determine any remaining issues in accordance with section 40 of the Act including any redetermination of the current value of the land necessary as a result of subsection 19 (5.2) of the Act becoming or ceasing to be applicable as a result of the determination as to whether or not the land is conservation land.
6. The decision of the Commissioner shall be deemed to be a decision of the Assessment Review Board for the purposes of subsection 40 (12) of the Act.
7. Subsection 40 (13) of the Act applies with respect to the Commissioner.
8. The Commissioner may state a case under section 43 of the Act with respect to issues referred to it.
9. Section 43.1 of the Act applies with respect to decisions of the Commissioner.

#### SPECIAL CONSIDERATION FOR 1998 IF DEADLINE MISSED

40. (1) For the 1998 taxation year, the Administrator, on a request described in subsection 38 (1), shall agree to a settlement determining that the land is conservation land if,

- (a) section 26 has been complied with except that the deadline in paragraph 1 of section 26 was missed;
- (b) the land would have been conservation land if the deadline had not been missed; and
- (c) in the Administrator's opinion, there are mitigating circumstances explaining why the deadline was missed.

(2) For the 1998 taxation year, the Commissioner, on a complaint described in section 39, shall make a determination that the land is conservation land if,

- (a) clauses (1) (a) and (b) are satisfied; and
- (b) in the Commissioner's opinion, there are mitigating circumstances explaining why the deadline was missed.

## PART VIII ASSESSMENT OF PIPE LINES

### DETERMINATION OF ASSESSED VALUE

41. (1) The assessed value of a pipe line shall be determined as follows:

1. The length of the pipe line in feet shall be multiplied by the applicable rate in Table 1, 2 or 3 of this Part. Table 1 applies to offshore pipe lines. Table 2 applies to plastic field gathering pipe lines and plastic gas distribution pipe lines. Table 3 applies to other pipe lines.
2. The amount determined under paragraph 1 shall be depreciated by reducing the amount by the applicable percentage in Table 4 of this Part.
3. After the reduction under paragraph 2, \$250 shall be added for each connection to an end user.

(2) If Table 1, 2 or 3 applies but the outside diameter of the pipe line is not included in the Table, the applicable rate for the purposes of paragraph 1 of subsection (1) is the rate for the closest outside diameter or range of outside diameter that is included in the Table.

#### APPLICATION OF PART

42. This Part applies with respect to the 1998, 1999 and 2000 taxation years.

TABLE 1  
OFFSHORE PIPE LINES

Outside Diameter (in inches)	Rate (in dollars per foot)
1	2.20
1¼ to 1½	3.70
2 to 2½	6.00
3	9.60
4 to 4½	12.55
5 to 5⅝	16.00
6 to less than 8	19.30
8	27.35

TABLE 2  
PLASTIC FIELD GATHERING PIPE LINES AND  
PLASTIC GAS DISTRIBUTION PIPE LINES

Outside Diameter (in inches)	Rate (in dollars per foot)
.5	1.85
1	2.20
1¼ to 1½	2.55
2 to 2½	3.30
3	5.30
4 to 4½	6.40
6 to less than 8	13.55
8	16.90



**TABLE 3**  
**PIPE LINES OTHER THAN PIPE LINES**  
**TO WHICH TABLE 1 OR 2 APPLY**

Outside Diameter (in inches)	Rate (in dollars per foot)
¾ to 1	5.45
1¼ to 1½	6.45
2 to 2½	7.55
3	10.85
4 to 4½	12.60
5 to 5⅝	14.40
6 to 6⅝	16.20
8	20.90
10	24.65
12	31.75
14	38.80
16	50.90
18	60.85
20	67.45
22	79.90
24	94.45
26	106.00
28	124.40
30	132.00
32	153.70
34	169.25
36	183.10
38	198.95
40	213.65
42	233.40
44	256.55
46	279.90
48	292.90

**TABLE 4**  
**DEPRECIATION RATES**

Year of Installation of Pipe Line	Percentage Reduction
1925 or earlier	80
1926	80
1927	79
1928	79
1929	78
1930	77

Year of Installation of Pipe Line	Percentage Reduction
1931	76
1932	76
1933	75
1934	75
1935	74
1936	74
1937	73
1938	72
1939	71
1940	71
1941	70
1942	70
1943	70
1944	69
1945	68
1946	67
1947	66
1948	66
1949	65
1950	65
1951	64
1952	63
1953	62
1954	62
1955	61
1956	61
1957	60
1958	59
1959	58
1960	58
1961	57
1962	57
1963	56
1964	56
1965	55
1966	54
1967	53
1968	53
1969	52
1970	51
1971	50
1972	49
1973	47

Year of Installation of Pipe Line	Percentage Reduction
1974	45
1975	42
1976	40
1977	37
1978	35
1979	32
1980	30
1981	27
1982	25
1983	22
1984	20
1985	18
1986	16
1987	14
1988	12
1989	10
1990	9
1991	7
1992	6
1993	4
1994	3
1995	2
1996	1

## PART IX MISCELLANEOUS

### PROCEDURE FOR SCHOOL SUPPORT APPLICATIONS

43. (1) An application under subsection 16 (3) of the Act shall be delivered personally or by mail to the assessment commissioner not later than November 1 in the year previous to the taxation year to which the application relates.

(2) This section applies with respect to the 1999 and subsequent taxation years.

### OTHER BUILDINGS TO WHICH SUBSECTION 19 (5) OF THE ACT APPLIES

44. (1) A building is prescribed for the purposes of subsection 19 (5) of the Act if,

- (a) the building is used primarily to sell farm produce that consists of or includes produce from the farm lands the building is located on or to process such farm produce or manufacture anything from it; or

- (b) the building is used to manufacture wine from grapes grown on the farm lands the building is located on, even if the building is not used primarily for that purpose.

(2) This section applies with respect to the 1998 and subsequent taxation years.

### SUBSECTION 19 (5.4) OF THE ACT—FARM LAND AWAITING DEVELOPMENT

45. (1) This section prescribes, for the purposes of subsection 19 (5.4) of the Act, circumstances in which subsection 19 (5) of the Act does not apply.

(2) Subsection 19 (5) of the Act does not apply to the following:

1. Land included in a plan of subdivision registered under the *Land Titles Act* or the *Registry Act*.
2. Land in respect of which there is a building permit for construction on the land other than for a building or structure to be used solely for farm purposes, a residence described in subsection 19 (5) of the Act or a building prescribed for the purposes of that subsection.

(3) For greater certainty,

- (a) paragraph 1 of subsection (2) applies with respect to a plan of subdivision even if the plan was registered before this section comes into force;
- (b) paragraph 2 of subsection (2) applies with respect to a building permit even if the permit was issued before this section comes into force.

### SUBSECTION 19 (5.2) OF THE ACT—CURRENT USE VALUATION

46. (1) For the purposes of subsection 19 (5.2) of the Act,

“conservation land” means land that is conservation land, as defined in section 24 of this Regulation, for the taxation year for which current value is determined under subsection 19 (5.2) of the Act;

“managed forest land” means land in the managed forests property class for the taxation year for which current value is determined under subsection 19 (5.2) of the Act.

(2) This section applies with respect to the 1998 and subsequent taxation years.

### COMMENCEMENT

47. This Regulation shall be deemed to have come into force on December 1, 1997.

CHRIS HODGSON  
Minister of Finance

Dated on June 11, 1998.

26/98

**CORRECTION**

**Ontario Regulation 175/98 under the *Workplace Safety and Insurance Act, 1997* published in the May 9, 1998 issue of *The Ontario Gazette*.**

1. The heading to Schedule 1 should have read as follows:

**Schedule 1**

**INDUSTRIES THE EMPLOYERS IN WHICH ARE  
LIABLE TO CONTRIBUTE TO THE INSURANCE FUND**

2. Subparagraph i of paragraph 8 under the heading Class I - OTHER SERVICES of Schedule 1 should have read as follows:

- i. Operation of the business of renting machinery and equipment with its warehousing or distributing, excluding boats, out-board motors and related equipment.



# Publications under the Regulations Act Publications en vertu de la Loi sur les règlements

1998-07-04

## ONTARIO REGULATION 283/98 made under the EDUCATION ACT

Made: April 8, 1998  
Filed: June 15, 1998

### CALCULATION OF AVERAGE DAILY ENROLMENT FOR THE PERIOD JANUARY 1, 1998 TO AUGUST 31, 1998

#### 1. (1) In this Regulation,

“cycle” means the number of school days for which a schedule of classes in a school continues before the schedule is repeated; (“horaire”)

“full-time pupil” means a pupil who,

- (a) is enrolled in day school other than in junior kindergarten or kindergarten, and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day; (“élève à temps plein”)

“half-time pupil” means a pupil who is enrolled in junior kindergarten or kindergarten and, in respect of a cycle, is registered for classroom instruction for an average of at least 150 minutes per school day; (“élève à mi-temps”)

“independent study course” means a credit course that is provided to a pupil other than a full-time pupil and that,

- (a) meets the criteria set out in the independent study course register for inclusion in the determination of day school enrolment, or
- (b) is approved by the Minister as an independent study course to be included in the determination of day school enrolment; (“cours d’études personnelles”)

“non-resident pupil” of a board means a pupil, other than a pupil from outside Ontario enrolled at a school under a student exchange program approved by the board, who is enrolled at a school operated by the board and,

- (a) in respect of whom the Minister would be required to pay the cost of education for the short year if the rules set out in sections 31 to 34 of Ontario Regulation 78/97 applied in respect of the short year,
- (b) in respect of whom the board charges a fee to another board,
- (c) in respect of whom the board may charge a fee to,
  - (i) the Crown in right of Canada, or
  - (ii) a party resident outside Ontario,
- (d) in respect of whom the board may charge a fee to a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians,

## RÈGLEMENT DE L'ONTARIO 283/98 pris en application de la LOI SUR L'ÉDUCATION

pris le 8 avril 1998  
déposé le 15 juin 1998

### CALCUL DE L'EFFECTIF QUOTIDIEN MOYEN POUR LA PÉRIODE ALLANT DU 1<sup>er</sup> JANVIER 1998 AU 31 AOÛT 1998

#### 1. (1) Les définitions qui suivent s'appliquent au présent règlement.

«année abrégée» La période qui commence le 1<sup>er</sup> janvier 1998 et qui se termine le 31 août 1998. («short year»)

«cours d'études personnelles» Cours crédité qui est dispensé à un élève, à l'exclusion d'un élève à temps plein, et qui, selon le cas :

- a) satisfait aux critères énoncés dans le registre des cours d'études personnelles pour être inclus dans le calcul de l'effectif de jour;
- b) est approuvé par le ministre à titre de cours d'études personnelles à inclure dans le calcul de l'effectif de jour. («independent study course»)

«élève à mi-temps» Élève qui est inscrit à la maternelle ou au jardin d'enfants pour une moyenne d'au moins 150 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («half-time pupil»)

«élève à temps partiel» Élève qui est inscrit aux cours de jour et qui n'est ni un élève à temps plein ni un élève à mi-temps. («part-time pupil»)

«élève à temps plein» Élève qui :

- a) d'une part, est inscrit aux cours de jour, à l'exclusion de la maternelle ou du jardin d'enfants;
- b) d'autre part, est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («full-time pupil»)

«élève non résident» Un élève non résident d'un conseil s'entend d'un élève, à l'exclusion d'un élève de l'extérieur de l'Ontario inscrit à une école aux termes d'un programme d'échange approuvé par le conseil, qui est inscrit à une école qui relève du conseil et relativement auquel s'applique l'une ou l'autre des conditions suivantes :

- a) le ministre serait tenu de payer ses frais d'instruction pour l'année abrégée si les règles énoncées aux articles 31 à 34 du Règlement de l'Ontario 78/97 s'appliquaient à l'année abrégée;
- b) le conseil impose à son égard des droits à un autre conseil;
- c) le conseil peut, à son égard, imposer des droits à, selon le cas :
  - (i) la Couronne du chef du Canada,
  - (ii) une partie résidant à l'extérieur de l'Ontario;
- d) le conseil peut, à son égard, imposer des droits à une bande, à un conseil de bande ou à une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens;

- (e) in respect of whom the board is required by subsection 49 (6) of the Act to charge the maximum fee calculated in accordance with the regulations,
- (f) who the board is required to admit under section 42 of the Act, excluding pupils counted as resident pupils of the board under paragraph 2 or 3 of subsection 14 (4) of the short year grant regulation, or
- (g) who is a registered Indian residing on a reserve, within the meaning of the *Indian Act* (Canada); («élève non résident»)

“part-time pupil” means a pupil who, is enrolled in day school and is neither a full-time nor a half-time pupil; («élève à temps partiel»)

“resident-internal pupil” of a board means a pupil, other than a non-resident pupil, who is enrolled at a school operated by the board; («élève résident interne»)

“resident-external pupil” of a board means a pupil in respect of whom a fee is payable by the board to another board; («élève résident externe»)

“short year” means the period beginning January 1, 1998 and ending August 31, 1998; («année abrégée»)

“short year fees regulation” means Ontario Regulation 284/98; («règlement sur les droits de l’année abrégée»)

“short year grant regulation” means Ontario Regulation 285/98. («règlement sur les subventions de l’année abrégée»)

(2) For the purposes of section 2, a pupil is a pupil of a board if he or she is a resident-internal pupil of the board, a resident-external pupil of the board or a non-resident pupil of the board.

(3) Sections 2 and 3 of this Regulation apply for the purposes of the short year fees regulation and the short year grant regulation.

2. Day school average daily enrolment for a board for the short year is the sum of,

- (a) the product of 0.5 and the sum of,
  - (i) the number of full-time pupils of the board enrolled on March 31, 1998,
  - (ii) 0.5 times the number of half-time pupils of the board enrolled on that day, and
  - (iii) the quotient obtained by determining, for each part-time pupil of the board enrolled on that day, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle;
- (b) the product of 0.1 and the sum of,
  - (i) the number of full-time pupils of the board enrolled on October 31, 1997, and
  - (ii) 0.5 times the number of half-time pupils of the board enrolled on that day, and
  - (iii) the quotient obtained by determining, for each part-time pupil of the board enrolled on that day, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle; and
- (c) an amount in respect of each pupil of the board who is enrolled in an independent study course, calculated as follows:

- e) le paragraphe 49 (6) de la Loi oblige le conseil à imposer, à son égard, le maximum des droits calculés conformément aux règlements;

- f) le conseil a l'obligation de l'admettre aux termes de l'article 42 de la Loi, sauf s'il s'agit d'un élève compté comme élève résident du conseil aux termes de la disposition 2 ou 3 du paragraphe 14 (4) du règlement sur les subventions de l'année abrégée;

- g) il s'agit d'un Indien inscrit qui réside dans une réserve au sens de la *Loi sur les Indiens* (Canada). («non-resident pupil»)

«élève résident externe» Un élève résident externe d'un conseil s'entend d'un élève à l'égard duquel le conseil paie des droits à un autre conseil. («resident-external pupil»)

«élève résident interne» Un élève résident interne d'un conseil s'entend d'un élève, à l'exclusion d'un élève non résident, qui est inscrit à une école qui relève du conseil. («resident-internal pupil»)

«horaire» Le nombre de jours que couvre le calendrier des classes d'une école avant de recommencer. («cycle»)

«règlement sur les droits de l'année abrégée» Le Règlement de l'Ontario 284/98. («short year fees regulation»)

«règlement sur les subventions de l'année abrégée» Le Règlement de l'Ontario 285/98. («short year grant regulation»)

(2) Pour l'application de l'article 2, sont élèves d'un conseil les élèves résidents internes, les élèves résidents externes et les élèves non résidents de ce conseil.

(3) Les articles 2 et 3 du présent règlement s'appliquent pour l'application du règlement sur les droits de l'année abrégée et du règlement sur les subventions de l'année abrégée.

2. L'effectif quotidien moyen de jour d'un conseil pour l'année abrégée correspond à la somme de ce qui suit :

- a) le produit de 0,5 par la somme de ce qui suit :
  - (i) le nombre d'élèves à temps plein du conseil inscrits le 31 mars 1998,
  - (ii) 0,5 fois le nombre d'élèves à mi-temps du conseil inscrits ce jour-là,
  - (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel du conseil inscrit ce jour-là, le nombre de minutes pour lesquelles cet élève est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, dans le cadre d'un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 par le nombre de jours que compte l'horaire;
- b) le produit de 0,1 par la somme de ce qui suit :
  - (i) le nombre d'élèves à temps plein du conseil inscrits le 31 octobre 1997,
  - (ii) 0,5 fois le nombre d'élèves à mi-temps du conseil inscrits ce jour-là,
  - (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel du conseil inscrit ce jour-là, le nombre de minutes pour lesquelles cet élève est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, dans le cadre d'un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 par le nombre de jours que compte l'horaire;
- c) une somme à l'égard de chaque élève du conseil qui est inscrit à un cours d'études personnelles, calculée selon la formule suivante :

$$\frac{A}{7.5} \times B$$

where,

A = the number of credits and partial credits that may be earned by the pupil on successful completion of the course,

B = the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the period from January 1, 1998 to June 30, 1998.

3. Continuing education average daily enrolment for a board for the period from January 1, 1998 to August 31, 1998 is the sum of,

- (a) an amount in respect of each pupil who is enrolled in a continuing education class or course established by the board, other than a continuing education course delivered primarily through means other than classroom instruction, calculated as follows:

$$\frac{A \times B}{300 \times 185}$$

where,

A = the number of sessions for which the pupil is enrolled in the period from January 1, 1998 to August 31, 1998,

B = the number of minutes in each session; and

- (b) an amount in respect of each pupil who is enrolled in a continuing education course established by the board and delivered primarily through means other than classroom instruction calculated as follows:

$$A \times 0.1134 \times B$$

where,

A = the number of credits and partial credits that may be earned by the pupil on successful completion of the course,

B = the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the period from January 1, 1998 to August 31, 1998.

4. Despite section 4 of Ontario Regulation 79/97, that Regulation does not apply to the short year or to any school year after the short year.

$$\frac{A}{7.5} \times B$$

où :

A = le nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,

B = la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de la période allant du 1<sup>er</sup> janvier 1998 au 30 juin 1998.

3. L'effectif quotidien moyen de l'éducation permanente d'un conseil pour la période allant du 1<sup>er</sup> janvier 1998 au 31 août 1998 est la somme de ce qui suit :

- a) une somme, à l'égard de chaque élève qui est inscrit à une classe ou à un cours d'éducation permanente créé par le conseil, à l'exclusion d'un cours d'éducation permanente dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$\frac{A \times B}{300 \times 185}$$

où :

A = le nombre de séances pour lesquelles l'élève est inscrit pendant la période allant du 1<sup>er</sup> janvier 1998 au 31 août 1998,

B = le nombre de minutes que comprend chaque séance;

- b) une somme, à l'égard de chaque élève qui est inscrit à un cours d'éducation permanente créé par le conseil et dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$A \times 0,1134 \times B$$

où :

A = le nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,

B = la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de la période allant du 1<sup>er</sup> janvier 1998 au 31 août 1998.

4. Malgré l'article 4 du Règlement de l'Ontario 79/97, ce dernier ne s'applique pas à l'année abrégée ni aux années scolaires suivantes.

**ONTARIO REGULATION 284/98**

made under the  
**EDUCATION ACT**

Made: April 8, 1998  
Approved: March 30, 1998  
Filed: June 15, 1998

**CALCULATION OF FEES FOR PUPILS FOR THE  
PERIOD JANUARY 1, 1998 TO AUGUST 31, 1998**

**INTERPRETATION****1. (1) In this Regulation,**

“continuing education A.D.E.” for a board means the continuing education average daily enrolment for the board, as calculated under section 3 of the short year A.D.E. regulation; (“effectif quotidien moyen de l'éducation permanente”)

“day school A.D.E.” for a board means the day school average daily enrolment for the board, as calculated under section 2 of the short year A.D.E. regulation; (“effectif quotidien moyen de jour”)

“high cost program” means,

- (a) a special education program, other than a program provided in a school of a board in lieu of an education program provided by a provincial school for the blind and deaf or other similar program for which a legislative grant is payable, or
- (b) a technological education program that qualifies for one or more credits toward the secondary school graduation diploma or the Ontario secondary school diploma; (“programme à coût élevé”)

“P.A.C.” for a pupil means the pupil accommodation charge for a pupil as determined under subsections (3) and (4); (“frais de pension”)

“section 68 board” means a board established under section 68 of the Act; (“conseil créé en vertu de l'article 68”)

“short year A.D.E. regulation” means Ontario Regulation 283/98. (“règlement sur l'effectif quotidien moyen de l'année abrégée”)

(2) For the purposes of this Regulation, the day school A.D.E. of a pupil enrolled in a school operated by a board is the day school A.D.E. for the board calculated as if that pupil were the board's only pupil.

(3) Subject to subsection (4), the P.A.C. for a pupil is the product of the day school A.D.E. of the pupil and \$141 in the case of an elementary school pupil or \$282 in the case of a secondary school pupil.

(4) If a board has entered into an agreement under subsection 188 (3) of the Act that provides for a payment by the Crown in right of Canada to provide classroom accommodation for a specified number of pupils, the P.A.C. for each pupil accommodated as a result of the agreement is zero.

**APPLICATION**

2. This Regulation applies in respect of the period January 1, 1998 to August 31, 1998.

**FEES PAID TO BOARDS OTHER THAN  
SECTION 68 BOARDS—GENERAL**

3. (1) This section applies in respect of a pupil who is enrolled in a school operated by a board, other than a section 68 board, if a fee in respect of the pupil is receivable by the board from,

**RÈGLEMENT DE L'ONTARIO 284/98**

pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 8 avril 1998  
approuvé le 30 mars 1998  
déposé le 15 juin 1998

**CALCUL DES DROITS PAYABLES À L'ÉGARD DES  
ÉLÈVES POUR LA PÉRIODE ALLANT DU  
1<sup>er</sup> JANVIER 1998 AU 31 AOÛT 1998**

**DÉFINITIONS****1. (1) Les définitions qui suivent s'appliquent au présent règlement.**

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«effectif quotidien moyen de jour» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen de jour du conseil calculé aux termes de l'article 2 du règlement sur l'effectif quotidien moyen de l'année abrégée. («day school A.D.E.»)

«effectif quotidien moyen de l'éducation permanente» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen de l'éducation permanente du conseil calculé aux termes de l'article 3 du règlement sur l'effectif quotidien moyen de l'année abrégée. («continuing education A.D.E.»)

«frais de pension» À l'égard d'un élève, s'entend des frais de pension de l'élève calculés aux termes des paragraphes (3) et (4). («P.A.C.»)

«programme à coût élevé» Selon le cas :

- a) programme d'enseignement à l'enfance en difficulté, à l'exclusion d'un programme offert dans une école d'un conseil à la place d'un programme d'enseignement offert dans une école provinciale pour aveugles et sourds ou autre programme semblable donnant lieu au paiement d'une subvention générale,
- b) programme d'enseignement technologique qui donne droit à au moins un crédit en vue de l'obtention du diplôme d'études secondaires ou du diplôme d'études secondaires de l'Ontario. («high cost program»)

«règlement sur l'effectif quotidien moyen de l'année abrégée» Le Règlement de l'Ontario 283/98. («short year A.D.E. regulation»)

(2) Pour l'application du présent règlement, l'effectif quotidien moyen de jour d'un élève inscrit à une école qui relève du conseil est l'effectif quotidien moyen de jour du conseil calculé comme si cet élève était le seul élève du conseil.

(3) Sous réserve du paragraphe (4), les frais de pension d'un élève correspondent au produit de l'effectif quotidien moyen de jour de l'élève par 141 \$ dans le cas d'un élève de l'élémentaire ou par 282 \$ dans le cas d'un élève du secondaire.

(4) Si un conseil a conclu une entente en vertu du paragraphe 188 (3) de la Loi en vue d'un paiement, par la Couronne du chef du Canada, lui permettant de fournir des classes à un nombre précis d'élèves, les frais de pension de chaque élève visé par l'entente sont de zéro.

**APPLICATION**

2. Le présent règlement s'applique à l'égard de la période allant du 1<sup>er</sup> janvier 1998 au 31 août 1998.

**DROITS PAYABLES AUX CONSEILS AUTRES QUE LES CONSEILS  
CRÉÉS EN VERTU DE L'ARTICLE 68 — DISPOSITIONS GÉNÉRALES**

3. (1) Le présent article s'applique à l'égard de l'élève inscrit à une école qui relève d'un conseil, à l'exclusion d'un conseil créé en vertu de l'article 68, si des droits sont payables au conseil à l'égard de cet élève par, selon le cas :



- (a) another board;
- (b) the Crown in right of Canada;
- (c) a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) This section also applies in respect of a pupil who is enrolled in a school operated by a board, other than a section 68 board, if subsection 49 (6) of the Act applies to the pupil.

(3) The fee in respect of a pupil described in subsection (1) or (2) shall be calculated as follows:

1. Take the amount calculated for the old board that operated the school in 1997 under paragraphs 1 to 4 of subsection 3 (1) of Ontario Regulation 81/97, except that the current cost of operating used in the calculation shall be increased by the excess described as B in the definition of "maximum recognized day school O.E." in Ontario Regulation 78/97, as calculated for the old board that operated the school in 1997.
2. Multiply the day school A.D.E. of the pupil by the sum of,
  - i. the amount determined under paragraph 1, and
  - ii. the P.A.C. for that pupil.

(4) The fee in respect of a pupil referred to in subsection (1) or (2) who is enrolled in a Native language program and whose fee is receivable from the Crown in right of Canada or from a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians, may, at the option of the board, be increased by an amount equal to the portion of the eligible sum for Native as a second language that would be generated for the pupil if he or she were a resident pupil of the board.

(5) For the purposes of subsection (4), the eligible sum for Native as a second language is,

- (a) in respect of an elementary school pupil,
  - (i) \$219, where the pupil is enrolled in a Native language program for an average of 20 or more minutes but less than 40 minutes per school day; or
  - (ii) \$389, where the pupil is enrolled in a Native language program for an average of 40 or more minutes per school day, and
- (b) in respect of a secondary school pupil enrolled in a Native language program, the product obtained by multiplying the number of credits or credit equivalents that may be granted to the pupil for the program by,
  - (i) \$57 in the case of a program offered in the intermediate division, or
  - (ii) \$75 in the case of a program offered in the senior division.

(6) The fee in respect of a pupil referred to in subsection (1) or (2) who is enrolled in a high cost program may, at the option of the board, be increased by multiplying the fee by a factor agreed on by the board providing the instruction and the party from whom the fee is receivable or, in the absence of agreement, by a factor determined in accordance with subsection (7).

(7) If the board providing the instruction and the party from whom the fee is receivable cannot agree on a factor, the factor shall be determined by three arbitrators, appointed as follows:

- a) un autre conseil;
- b) la Couronne du chef du Canada;
- c) une bande, un conseil de bande ou une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Le présent article s'applique également à l'égard de l'élève inscrit à une école qui relève d'un conseil, à l'exclusion d'un conseil créé en vertu de l'article 68, si le paragraphe 49 (6) de la Loi s'applique à cet élève.

(3) Les droits payables à l'égard de l'élève visé au paragraphe (1) ou (2) sont calculés de la manière suivante :

1. Prendre la somme calculée, pour l'ancien conseil dont relevait l'école en 1997, aux termes des dispositions 1 à 4 du paragraphe 3 (1) du Règlement de l'Ontario 81/97, mais en ajoutant aux dépenses courantes de fonctionnement utilisées dans le calcul l'excédent désigné comme B dans la définition de «*maximum recognized day school O.E.*» dans le Règlement de l'Ontario 78/97, tel qu'il est calculé pour l'ancien conseil dont relevait l'école en 1997.
2. Multiplier l'effectif quotidien moyen de jour de l'élève par la somme de ce qui suit :
  - i. la somme calculée aux termes de la disposition 1,
  - ii. les frais de pension de l'élève.

(4) Les droits payables à l'égard de l'élève visé au paragraphe (1) ou (2) qui est inscrit à un programme de langue autochtone et dont les droits sont payables par la Couronne du chef du Canada ou par une bande, le conseil d'une bande ou une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens, peuvent, au choix du conseil, être augmentés d'une somme égale à la fraction de la somme admissible au titre des programmes de langue autochtone langue seconde qui serait versée pour l'élève s'il s'agissait d'un élève résident du conseil.

(5) Pour l'application du paragraphe (4), la somme admissible au titre des programmes de langue autochtone langue seconde est égale à :

- a) pour un élève de l'élémentaire :
  - (i) 219 \$, si l'élève est inscrit à un programme de langue autochtone pour 20 minutes ou plus mais moins de 40 minutes en moyenne par jour de classe,
  - (ii) 389 \$, si l'élève est inscrit à un programme de langue autochtone pour 40 minutes ou plus en moyenne par jour de classe;
- b) pour un élève du secondaire inscrit à un programme de langue autochtone, le produit obtenu en multipliant le nombre de crédits ou d'équivalences en crédits qui peuvent être accordés à l'élève pour ce programme par :
  - (i) 57 \$, dans le cas d'un programme du cycle intermédiaire,
  - (ii) 75 \$, dans le cas d'un programme du cycle supérieur.

(6) Les droits payables à l'égard de l'élève visé au paragraphe (1) ou (2) qui est inscrit à un programme à coût élevé peuvent, au choix du conseil, être augmentés en les multipliant par le facteur dont conviennent le conseil qui dispense l'enseignement et la partie par laquelle ces droits sont payables ou, en l'absence d'entente, par un facteur calculé conformément au paragraphe (7).

(7) Si le conseil qui dispense l'enseignement et la partie par laquelle les droits sont payables ne peuvent s'entendre sur le facteur à utiliser, celui-ci est calculé par trois arbitres, nommés de la manière suivante :

1. One arbitrator shall be appointed by the board that provides the instruction.
2. One arbitrator shall be appointed by the party from whom the fee is receivable.
3. One arbitrator shall be appointed by the arbitrators appointed under paragraphs 1 and 2.

(8) The decision of the arbitrators or a majority of them is final and binding on the board providing the instruction and the party from whom the fee is receivable.

(9) The number of pupils in a high cost program provided by the board in respect of whom the fee receivable by the board from one party may be increased under subsection (6) or (7) shall not exceed the amount obtained by,

- (a) multiplying the day school A.D.E. of the pupils in respect of whom fees are receivable by the board from the party by the ratio of the day school A.D.E. of the pupils registered in the high cost program to the day school A.D.E. of the pupils enrolled in schools operated by the board; and
- (b) subtracting the product obtained under clause (a) from the day school A.D.E. of the pupils registered in the high cost program in respect of whom fees are receivable by the board from the party.

4. (1) Despite subsection 3 (1), the fee in respect of a pupil who is 21 years of age or more on December 31, 1997 and who is enrolled in a secondary school and is referred to in subsection 3 (1), shall be equal to the product of the day school A.D.E. of the pupil and the sum of \$2,257 and the P.A.C. for the pupil or such other amount that is agreed on by the board providing the instruction and the party from whom the fee is receivable.

(2) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies or in respect of a pupil enrolled in a school operated by a section 68 board.

#### FEES PAID TO SECTION 68 BOARDS

5. The fee in respect of a pupil enrolled in a school operated by a section 68 board shall be calculated as follows:

1. Take the board's cost of operating for the short year.
2. Deduct the legislative grants payable to the board for the short year.
3. Divide by the sum of the days for which each pupil of the school is enrolled at the school.
4. Multiply by the number of days for which the pupil whose fee is being calculated is enrolled at the school.

#### FEES CHARGED TO PERSONS RESIDING IN ONTARIO

6. (1) This section does not apply in respect of a pupil whose fee is receivable from another board, from the Crown in right of Canada or from a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The fee charged in respect of a pupil enrolled in a school of a board, other than a section 68 board, to a parent or guardian who is resident in Ontario shall not exceed the fee referred to in subsection (3) or (4), as the case requires.

(3) The fee in respect of a pupil enrolled in a school of a board who resides with his or her parent or guardian in a school section, separate school zone or secondary school district on land that is exempt from

1. Un arbitre est nommé par le conseil qui dispense l'enseignement.
2. Un arbitre est nommé par la partie par laquelle les droits sont payables.
3. Un arbitre est nommé par les arbitres nommés aux termes des dispositions 1 et 2.

(8) La décision des arbitres ou de la majorité d'entre eux est définitive et lie le conseil qui dispense l'enseignement et la partie par laquelle les droits sont payables.

(9) Le nombre d'élèves d'un programme à coût élevé dispensé par le conseil à l'égard duquel les droits payables au conseil par une partie peuvent être augmentés en vertu du paragraphe (6) ou (7) ne doivent pas dépasser le chiffre obtenu de la manière suivante :

- a) multiplier l'effectif quotidien moyen de jour des élèves à l'égard desquels des droits sont payables au conseil par la partie par le rapport qui existe entre l'effectif quotidien moyen de jour des élèves inscrits au programme à coût élevé et l'effectif quotidien moyen de jour des élèves inscrits aux écoles qui relèvent du conseil;
- b) soustraire le produit obtenu aux termes de l'alinéa a) de l'effectif quotidien moyen de jour des élèves inscrits au programme à coût élevé à l'égard desquels des droits sont payables au conseil par la partie.

4. (1) Malgré le paragraphe 3 (1), les droits payables à l'égard de l'élève qui est âgé d'au moins 21 ans le 31 décembre 1997 et qui est inscrit à une école secondaire et est visé par le paragraphe 3 (1) correspondent au produit de l'effectif quotidien moyen de jour de l'élève par le total de 2 257 \$ et des frais de pension de l'élève ou de l'autre somme dont conviennent le conseil qui dispense l'enseignement et la partie par laquelle les droits sont payables.

(2) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi ni à l'élève inscrit à une école qui relève d'un conseil créé en vertu de l'article 68.

#### DROITS PAYABLES AUX CONSEILS CRÉÉS EN VERTU DE L'ARTICLE 68

5. Les droits payables à l'égard de l'élève inscrit à une école qui relève d'un conseil créé en vertu de l'article 68 sont calculés de la manière suivante :

1. Prendre les dépenses de fonctionnement du conseil pour l'année abrégée.
2. Déduire les subventions générales payables au conseil pour l'année abrégée.
3. Diviser par la somme des jours pour lesquels chaque élève de l'école est inscrit à l'école.
4. Multiplier par le nombre de jours pour lesquels l'élève dont on calcule les droits est inscrit à l'école.

#### DROITS IMPOSÉS AUX PERSONNES RÉSIDANT EN ONTARIO

6. (1) Le présent article ne s'applique pas à l'égard de l'élève dont les droits sont payables par un autre conseil, par la Couronne du chef du Canada ou par une bande, le conseil d'une bande ou une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Les droits imposés à l'égard de l'élève inscrit à une école d'un conseil, à l'exclusion d'un conseil créé en vertu de l'article 68, à son père, à sa mère ou à son tuteur qui réside en Ontario ne doivent pas dépasser les droits prévus au paragraphe (3) ou (4), selon le cas.

(3) Les droits payables à l'égard de l'élève inscrit à une école d'un conseil qui réside avec son père, sa mère ou son tuteur sur un bien-fonds exonéré d'impôts scolaires qui est situé dans une circonscription scolaire, une zone d'écoles séparées ou un district d'écoles secondaires

taxation for school purposes shall not exceed \$74 for each month or part of a month the pupil is enrolled in a school operated by the board.

(4) In the case of a pupil enrolled in a school of a board who is qualified to be a resident pupil of a school section, separate school zone or secondary school district, the fee in respect of the pupil shall not exceed, for each month or part of a month the pupil is enrolled in a school operated by the board, the amount charged by the board that the school in 1997 as determined under subsection 5 (4) of Ontario Regulation 81/97.

(5) If a pupil is enrolled in a high cost program, the amount calculated under subsection (4) may, at the option of the board, be increased by an amount that does not exceed the additional cost to the board of providing the high cost program to the pupil.

#### FEES CHARGED TO PARENTS NOT RESIDING IN ONTARIO

7. (1) The fee in respect of a pupil who is enrolled in a school of a board, other than a section 68 board, and whose parent or guardian does not reside in Ontario shall be such fee as the board may determine, but shall not exceed the maximums set by subsections (2) and (3).

(2) Except as is provided in subsection (3), the fee in respect of a pupil who is enrolled in a school of a board and whose parent or guardian does not reside in Ontario shall not exceed the amount calculated as follows:

1. Add the amount determined under paragraph 1 of subsection 3 (3) and the P.A.C. for the pupil.
2. Multiply the amount obtained under paragraph 1 by 0.1.
3. Multiply the result obtained under paragraph 2 by the number of months or part months during which the pupil is enrolled in a school operated by the board.

(3) Where the pupil is enrolled in a high cost program, the maximum set by subsection (2) shall be increased by an amount that does not exceed the additional cost to the board of providing the high cost program to the pupil.

(4) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

#### FEES FOR PROGRAMS IN FACILITIES

8. (1) The fee charged by a board other than a section 68 board in respect of a pupil who is not qualified to be a resident pupil of the board and for whom an educational program is provided by the board in a hospital or treatment centre shall be such fee as may be agreed on between the board that provides the program and,

- (a) the board of which the pupil is qualified to be a resident pupil; or
- (b) if the pupil is not qualified to be a resident pupil of a board, the parent or guardian of the pupil.

(2) Subsection (1) does not apply to a board that provides the educational program if the board received a grant under section 27 of Ontario Regulation 78/97 with respect to the educational program.

(3) Subsection (1) applies despite subsection 3 (2).

#### FEES FOR CONTINUING EDUCATION AND SUMMER SCHOOL

9. Despite sections 3 to 8, the fee charged by a board in respect of a pupil who is enrolled in a continuing education program or a summer school operated by the board shall be such as the board providing the instruction may determine except that the fee shall not exceed the product of,

ne doivent pas dépasser 74 \$ par mois ou fraction de mois où l'élève est inscrit à une école qui relève du conseil.

(4) Dans le cas d'un élève inscrit à une école d'un conseil qui satisfait aux conditions requises pour être élève résident d'une circonscription scolaire, d'une zone d'écoles séparées ou d'un district d'écoles secondaires, les droits payables à l'égard de l'élève ne doivent pas dépasser, pour chaque mois ou fraction de mois où il est inscrit à une école qui relève du conseil, la somme exigée par le conseil dont relevait l'école en 1997, calculée aux termes du paragraphe 5 (4) du Règlement de l'Ontario 81/97.

(5) Si l'élève est inscrit à un programme à coût élevé, la somme calculée aux termes du paragraphe (4) peut, au choix du conseil, être augmentée d'une somme ne dépassant pas le coût additionnel assumé par le conseil pour dispenser le programme à coût élevé à cet élève.

#### DROITS IMPOSÉS AUX PARENTS NE RÉSIDANT PAS EN ONTARIO

7. (1) Les droits payables à l'égard de l'élève qui est inscrit à une école du conseil, à l'exclusion d'un conseil créé en vertu de l'article 68, et dont le père, la mère ou le tuteur ne réside pas en Ontario sont ceux que fixe le conseil, mais ne doivent pas dépasser les maximums prévus aux paragraphes (2) et (3).

(2) Sauf dans le cas prévu au paragraphe (3), les droits payables à l'égard de l'élève qui est inscrit à une école d'un conseil et dont le père, la mère ou le tuteur ne réside pas en Ontario ne doivent pas dépasser la somme calculée de la manière suivante :

1. Additionner la somme calculée aux termes de la disposition 1 du paragraphe 3 (3) et les frais de pension de l'élève.
2. Multiplier la somme obtenue aux termes de la disposition 1 par 0,1.
3. Multiplier le produit obtenu aux termes de la disposition 2 par le nombre de mois ou de fractions de mois où l'élève est inscrit à une école qui relève du conseil.

(3) Si l'élève est inscrit à un programme à coût élevé, le maximum fixé au paragraphe (2) est augmenté d'une somme ne dépassant pas le coût additionnel assumé par le conseil pour dispenser le programme à cet élève.

(4) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

#### DROITS PAYABLES POUR LES PROGRAMMES DISPENSÉS DANS DES INSTALLATIONS

8. (1) Les droits imposés par un conseil, à l'exclusion d'un conseil créé en vertu de l'article 68, à l'égard de l'élève qui ne satisfait pas aux conditions requises pour être élève résident du conseil et pour lequel le conseil dispense un programme d'enseignement dans un hôpital ou un centre de traitement sont les droits dont conviennent le conseil qui dispense le programme et :

- a) le conseil dont l'élève satisfait aux conditions requises pour être élève résident;
- b) si l'élève ne satisfait pas aux qualités requises pour être élève résident d'un conseil, son père, sa mère ou son tuteur.

(2) Le paragraphe (1) ne s'applique pas au conseil qui dispense le programme d'enseignement s'il a reçu une subvention aux termes de l'article 27 du Règlement de l'Ontario 78/97 à l'égard de ce programme.

(3) Le paragraphe (1) s'applique malgré le paragraphe 3 (2).

#### DROITS PAYABLES POUR L'ÉDUCATION PERMANENTE ET LES COURS D'ÉTÉ

9. Malgré les articles 3 à 8, les droits imposés par un conseil à l'égard de l'élève inscrit à un programme d'éducation permanente ou à des cours d'été qu'offre le conseil sont ceux que fixe le conseil qui dispense l'enseignement. Toutefois, ces droits ne doivent pas dépasser le produit de ce qui suit :

- (a) the continuing education A.D.E. of the pupil; and
- (b) the quotient obtained by dividing the expenditure of the board for continuing education and summer school courses or classes for the period January 1, 1998 to August 31, 1998 by the continuing education A.D.E. of the board.

DAVID JOHNSON  
Minister of Education and Training

Dated on March 30, 1998.

27/98

- a) l'effectif quotidien moyen de l'éducation permanente de l'élève;
- b) le quotient obtenu en divisant les dépenses engagées par le conseil pour les cours ou les classes d'éducation permanente et les cours d'été pour la période allant du 1<sup>er</sup> janvier 1998 au 31 août 1998 par l'effectif quotidien moyen de l'éducation permanente du conseil.

DAVID JOHNSON  
Ministre de l'Éducation et de la Formation

Fait le 30 mars 1998.

**ONTARIO REGULATION 285/98**  
made under the  
**EDUCATION ACT**

Made: June 12, 1998  
Filed: June 15, 1998

**LEGISLATIVE GRANTS FOR THE PERIOD  
JANUARY 1, 1998 TO AUGUST 31, 1998**

**PART I  
GENERAL**

**DEFINITIONS**

**1. In this Regulation,**

“designated board associated with an old board” means the district school board that is listed in column 2 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in column 1 of that Schedule; (“conseil désigné rattaché à un ancien conseil”)

“isolate board” is a school authority other than a section 68 board; (“conseil isolé”)

“Metropolitan Toronto area board” means,

- (a) The Board of Education for the Borough of East York,
- (b) The Board of Education for the City of Etobicoke,
- (c) The Board of Education for the City of North York,
- (d) The Board of Education for the City of Scarborough,
- (e) The Board of Education for the City of Toronto, and
- (f) The Board of Education for the City of York; (“conseil de secteur de la communauté urbaine de Toronto”)

“old board” does not include the Metropolitan Toronto area boards or The Metropolitan Toronto French-Language School Council; (“ancien conseil”)

“section 68 board” is a board established under section 68 of the Act; (“conseil créé en vertu de l'article 68”)

“short year” means the period beginning January 1, 1998 and ending August 31, 1998; (“année abrégée”)

“short year fees regulation” means Ontario Regulation 284/98; (“règlement sur les droits de l'année abrégée”)

“short year A.D.E. regulation” means Ontario Regulation 283/98; (“règlement sur l'effectif quotidien moyen de l'année abrégée”)

**RÈGLEMENT DE L'ONTARIO 285/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 12 juin 1998  
déposé le 15 juin 1998

**SUBVENTIONS GÉNÉRALES VISANT LA PÉRIODE  
ALLANT DU 1<sup>er</sup> JANVIER 1998 AU 31 AOÛT 1998**

**PARTIE I  
DISPOSITIONS GÉNÉRALES**

**DÉFINITIONS**

**1. Les définitions qui suivent s'appliquent au présent règlement.**

«ancien conseil» Ne s'entend pas des conseils de secteur de la communauté urbaine de Toronto ni du Conseil des écoles françaises de la communauté urbaine de Toronto. («old board»)

«année abrégée» La période qui commence le 1<sup>er</sup> janvier 1998 et qui se termine le 31 août 1998. («short year»)

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«conseil de secteur de la communauté urbaine de Toronto» :

- a) Le Conseil de l'éducation de la municipalité d'East York,
- b) le Conseil de l'éducation de la cité d'Etobicoke,
- c) le Conseil de l'éducation de la cité de North York,
- d) le Conseil de l'éducation de la cité de Scarborough,
- e) le Conseil de l'éducation de la cité de Toronto,
- f) le Conseil de l'éducation de la cité de York. («Metropolitan Toronto area board»)

«conseil désigné rattaché à un ancien conseil» Le conseil scolaire de district mentionné dans la colonne 2 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («designated board associated with an old board»)

«conseil isolé» Administration scolaire, à l'exclusion d'un conseil créé en vertu de l'article 68. («isolate board»)

«conseil secondé rattaché à un ancien conseil» Le conseil scolaire de district mentionné dans la colonne 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («supported board associated with an old board»)

«règlement sur l'effectif quotidien moyen de l'année abrégée» Le Règlement de l'Ontario 283/98. («short year A.D.E. regulation»)

"supported board associated with an old board" means the district school board that is listed in column 3 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in column 1 of that Schedule. ("conseil secondé rattaché à un ancien conseil")

## GENERAL

2. (1) The legislative grant payable for the short year to a district school board is the amount calculated under Part II.

(2) The legislative grant payable for the short year to an isolate board is the amount calculated under Part IV.

(3) The legislative grant payable for the short year to a section 68 board is the amount calculated under Part IV.

3. A legislative grant payable under this Regulation shall be paid on an estimated basis during the short year and such adjustments as may be necessary shall be made after the actual financial data and average daily enrolments are available.

4. (1) In subsection (2),

"unextended old board" means an old board to which subsection 4 (1) of Ontario Regulation 78/97 applied.

(2) For the purposes of this Regulation, all calculations relating to an unextended old board shall be made separately for elementary school purposes and for secondary school purposes.

5. It is a condition of the payment of a grant to a board under this Regulation that the board comply with all Acts administered by the Minister and with all regulations, policies, guidelines, directives and similar instruments made under an Act administered by the Minister.

6. Where a board contravenes an Act administered by the Minister or a regulation, policy, guideline, directive or similar instrument made under an Act administered by the Minister, the Minister may withhold all or part of a grant otherwise payable to the board under the Act until the board takes the steps necessary to correct the situation.

7. (1) Where the amount payable to an old board under a general legislative grant regulation was overpaid, the overpayment shall be deducted from the grants payable under this Regulation to the designated board associated with the old board and to the supported board associated with the old board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

(2) Where the amount payable to an old board under a general legislative grant regulation was underpaid, the underpayment shall be added to the grants payable under this Regulation to the designated board associated with the old board and to the supported board associated with the old board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

8. For the purposes of this Regulation, if the Minister reasonably concludes that an amount reported at a code point in a financial statement is incorrect because of an error in calculation, because of an error in filling out the form for the financial statement or because an amendment to a previous legislative grant regulation was not taken into account in calculating the amount, the Minister shall make the appropriate correction and the corrected amount shall be deemed to be the amount reported at the code point in the financial statement.

«règlement sur les droits de l'année abrégée» Le Règlement de l'Ontario 284/98. («short year fees regulation»)

## DISPOSITIONS GÉNÉRALES

2. (1) La subvention générale payable pour l'année abrégée à un conseil scolaire de district correspond à la somme calculée aux termes de la partie II.

(2) La subvention générale payable pour l'année abrégée à un conseil isolé correspond à la somme calculée aux termes de la partie IV.

(3) La subvention générale payable pour l'année abrégée à un conseil créé en vertu de l'article 68 correspond à la somme calculée aux termes de la partie IV.

3. Les subventions générales payables aux termes du présent règlement se fondent sur des estimations pendant l'année abrégée. Les redressements éventuels nécessaires sont effectués lorsque les données financières et l'effectif quotidien moyen réels sont connus.

4. (1) La définition qui suit s'applique au paragraphe (2).

«ancien conseil non parachevé» Ancien conseil auquel s'appliquait le paragraphe 4 (1) du Règlement de l'Ontario 78/97.

(2) Pour l'application du présent règlement, tous les calculs visant un ancien conseil non parachevé se font de façon distincte aux fins des écoles élémentaires et à celles des écoles secondaires.

5. L'obligation pour les conseils de se conformer aux lois dont l'application relève du ministre et aux textes pris en application de telles lois, notamment des règlements, des politiques, des lignes directrices ou des directives, est une condition du versement des subventions prévues par le présent règlement.

6. Si le conseil contrevient à une loi dont l'application relève du ministre ou à un texte pris en application d'une telle loi, notamment un règlement, une politique, une ligne directrice ou une directive, le ministre peut retenir tout ou partie de la subvention qui lui est payable par ailleurs aux termes de la Loi jusqu'à ce qu'il prenne les mesures nécessaires pour remédier à la situation.

7. (1) Si un ancien conseil a reçu une somme supérieure à celle qui lui était payable aux termes d'un règlement sur les subventions générales, l'excédent est déduit des subventions payables aux termes du présent règlement au conseil désigné et au conseil secondé qui lui sont rattachés, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

(2) Si un ancien conseil a reçu une somme inférieure à celle qui lui était payable aux termes d'un règlement sur les subventions générales, la différence est ajoutée aux subventions payables aux termes du présent règlement au conseil désigné et au conseil secondé qui lui sont rattachés, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

8. Pour l'application du présent règlement, s'il a des motifs raisonnables de conclure qu'une somme figurant à un code dans un état financier est inexacte en raison d'une erreur de calcul, d'une erreur d'écriture ou parce qu'il n'a pas été tenu compte d'une modification apportée à un règlement antérieur sur les subventions générales lors du calcul de la somme, le ministre effectue la correction indiquée et la somme corrigée est réputée la somme figurant au code dans l'état financier.



**PART II  
GRANTS TO DISTRICT SCHOOL BOARDS**

INTERPRETATION

9. (1) In this Part and in Part III,

“1997 actual expenditure allocation form” means the form provided by the Ministry, as part of the 1997 financial statement package, for the purpose of determining the French-English split of 1997 actual expenditures by old boards; (“formule de répartition des dépenses réelles de 1997”)

“English-language instructional unit” means a class, group of classes or school in which the English language or American sign language is the language of instruction and includes a class, group of classes or school established under paragraph 25 of subsection 8 (1) of the Act; (“module scolaire de langue anglaise”)

“English-language portion” of an old board means the notional portion of the old board to which the expenses related to educating pupils in English-language instructional units are allocated in the 1997 actual expenditure allocation form; (“part de langue anglaise”)

“French-language portion” of an old board means the notional portion of the old board to which the expenses related to educating pupils in French-language instructional units are allocated in the 1997 actual expenditure allocation form; (“part de langue française”)

“language portion” of an old board means,

- (a) the English-language portion of the old board, and
- (b) the French-language portion of the old board. (“part linguistique”)

(2) For the purposes of this Part and Part III, an old board is a predecessor of a district school board if the district school board is listed in column 2 or 3 of Schedule 1 of Ontario Regulation 460/97, opposite the old board listed in column 1 of that Schedule.

(3) For the purposes of this Part and Part III,

- (a) a reference to the relevant language portions of the old boards that are the predecessors of an English-language district school board is a reference to the English-language portions of the old boards; and
- (b) a reference to the relevant language portions of the old boards that are the predecessors of a French-language district school board is a reference to the French-language portions of the old boards.

GRANT ENTITLEMENT

10. A district school board shall be paid a grant in an amount determined as follows:

1. Total the revenue guarantees for the relevant language portions of the old boards that are the predecessors of the district school board, in accordance with sections 11 to 16.
2. Deduct the short year tax revenue of the district school board, as determined under section 17.
3. Add the amount determined under section 18, if applicable.
4. Add the amount determined under section 19, if applicable.
5. Deduct the amount determined under section 20, if applicable.

**PARTIE II  
SUBVENTIONS EN FAVEUR DES CONSEILS  
SCOLAIRES DE DISTRICT**

INTERPRÉTATION

9. (1) Les définitions qui suivent s'appliquent à la présente partie et à la partie III.

«formule de répartition des dépenses réelles de 1997» La formule fournie par le ministère dans la trousse des états financiers de 1997 aux fins du calcul de la répartition des dépenses réelles de 1997 des anciens conseils entre leur part de langue anglaise et celle de langue française. («1997 actual expenditure allocation form»)

«module scolaire de langue anglaise» S'entend d'une classe, d'un groupe de classes ou d'une école dans lesquels l'anglais ou la langue des signes américaine est la langue d'enseignement et, en outre, d'une classe, d'un groupe de classes ou d'une école créés en vertu de la disposition 25 du paragraphe 8 (1) de la Loi. («English-language instructional unit»)

«part de langue anglaise» La part de langue anglaise d'un ancien conseil s'entend de la partie théorique du conseil à laquelle sont attribuées les dépenses liées à l'enseignement dispensé aux élèves des modules scolaires de langue anglaise dans la formule de répartition des dépenses réelles de 1997. («English-language portion»)

«part de langue française» La part de langue française d'un ancien conseil s'entend de la partie théorique du conseil à laquelle sont attribuées les dépenses liées à l'enseignement dispensé aux élèves des modules scolaires de langue française dans la formule de répartition des dépenses réelles de 1997. («French-language portion»)

«part linguistique» La part linguistique d'un ancien conseil s'entend de ce qui suit :

- a) sa part de langue anglaise;
- b) sa part de langue française. («language portion»)

(2) Pour l'application de la présente partie et de la partie III, un ancien conseil est remplacé par un conseil scolaire de district si ce dernier est mentionné dans la colonne 2 ou 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil qui est mentionné dans la colonne 1 de cette annexe.

(3) Pour l'application de la présente partie et de la partie III :

- a) les mentions de la part linguistique pertinente des anciens conseils que remplace le conseil scolaire de district de langue anglaise sont des mentions de leur part de langue anglaise;
- b) les mentions de la part linguistique pertinente des anciens conseils que remplace le conseil scolaire de district de langue française sont des mentions de leur part de langue française.

DROIT AUX SUBVENTIONS

10. Le conseil scolaire de district reçoit une subvention calculée de la manière suivante :

1. Additionner les recettes garanties de la part linguistique pertinente des anciens conseils que remplace le conseil scolaire de district, calculées conformément aux articles 11 à 16.
2. Déduire les recettes fiscales de l'année abrégée du conseil scolaire de district, calculées aux termes de l'article 17.
3. Ajouter la somme calculée aux termes de l'article 18, s'il s'applique.
4. Ajouter la somme calculée aux termes de l'article 19, s'il s'applique.
5. Déduire la somme calculée aux termes de l'article 20, s'il s'applique.

6. Deduct the amount that is in the district school board's reserve fund under section 233 (1) of the Act on August 31, 1998, immediately before the transfer under subsection 233 (2) of the Act.
7. Add the amount determined under section 21, if applicable.
8. Deduct the amount determined under section 22, if applicable.

## REVENUE GUARANTEE

11. The revenue guarantee for a language portion of an old board shall be determined as follows:

1. Multiply the 1997 revenue for the old board, as determined under section 12, by the allocation ratio for the language portion, as determined or specified under section 13.
2. Multiply the amount obtained under paragraph 1 by 0.62.
3. Multiply the amount obtained under paragraph 2 by the enrolment adjustment factor for the language portion as determined under section 14.
4. Add to the amount obtained under paragraph 3 the junior kindergarten adjustment for the language portion as determined under section 15, if applicable.
5. Add to the amount obtained under paragraph 4 the summer school adjustment for the language portion as determined under section 16, if applicable.

## 1997 REVENUE FOR AN OLD BOARD

12. (1) The 1997 revenue for an old board is the sum of,
  - (a) the taxes levied under the Act for the purposes of the old board in 1997;
  - (b) amounts that are receivable by the old board in 1997 under subsection 159 (22) of the *Municipal Act*, as it read immediately before January 1, 1998;
  - (c) payments in lieu of taxes, as defined in section 1 of Ontario Regulation 78/97, that are receivable by the old board in 1997;
  - (d) the total of 1996 taxes refunded by the old board as a result of withdrawal of employee services or lock-out of employees, as reported in the audited 1997 financial statements of the old board at code point 0246;
  - (e) the lesser of,
    - (i) the old board's over-requisitions and reserve transfers, as determined under subsection (2), and
    - (ii) the amount set out in Table 1 opposite the old board;
  - (f) the supplementary taxes of the old board as determined for revenue guarantee purposes under subsection (4);
  - (g) the grant payable to the old board under Ontario Regulation 78/97, not including amounts payable under section 50 of that Regulation;
- less the sum of,
  - (h) the amount, if any, by which the sum of the amounts calculated as grants for the old board for 1997 under sections 8 to 45 of Ontario Regulation 78/97 is less than zero; and
  - (i) the tax write-off for the old board as determined for revenue guarantee purposes under subsection (6).

6. Déduire la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil scolaire de district le 31 août 1998, immédiatement avant le virement prévu au paragraphe 233 (2) de la Loi.
7. Ajouter la somme calculée aux termes de l'article 21, s'il s'applique.
8. Déduire la somme calculée aux termes de l'article 22, s'il s'applique.

## RECETTES GARANTIES

11. Les recettes garanties d'une part linguistique de l'ancien conseil sont calculées de la manière suivante :

1. Multiplier les recettes de 1997 de l'ancien conseil, calculées aux termes de l'article 12, par le facteur de répartition de la part linguistique, fixé ou précisé aux termes de l'article 13.
2. Multiplier le produit obtenu aux termes de la disposition 1 par 0,62.
3. Multiplier le produit obtenu aux termes de la disposition 2 par le facteur de redressement de l'effectif de la part linguistique, calculé aux termes de l'article 14.
4. Ajouter au produit obtenu aux termes de la disposition 3 le redressement au titre des maternelles de la part linguistique, calculé aux termes de l'article 15, s'il s'applique.
5. Ajouter à la somme obtenue aux termes de la disposition 4 le redressement au titre des cours d'été de la part linguistique, calculé aux termes de l'article 16, s'il s'applique.

## RECETTES DE 1997 DE L'ANCIEN CONSEIL

12. (1) Les recettes de 1997 de l'ancien conseil correspondent à la différence entre la somme de ce qui suit :
  - a) les impôts prélevés aux termes de la Loi aux fins de l'ancien conseil en 1997;
  - b) les sommes que l'ancien conseil peut recevoir en 1997 aux termes du paragraphe 159 (22) de la *Loi sur les municipalités*, tel qu'il existait immédiatement avant le 1<sup>er</sup> janvier 1998;
  - c) les paiements tenant lieu d'impôts, au sens de «*payments in lieu of taxes*» à l'article 1 du Règlement de l'Ontario 78/97, que l'ancien conseil peut recevoir en 1997;
  - d) le total des impôts de 1996 que l'ancien conseil a remboursés par suite d'une grève ou d'un lock-out des employés, tel qu'il figure au code 0246 dans les états financiers vérifiés de 1997 de l'ancien conseil;
  - e) le moindre de ce qui suit :
    - (i) les trop-perçus et les virements de réserve de l'ancien conseil, calculés aux termes du paragraphe (2),
    - (ii) la somme qui figure au tableau 1 en regard de l'ancien conseil;
  - f) les impôts supplémentaires de l'ancien conseil calculés aux fins des recettes garanties aux termes du paragraphe (4);
  - g) la subvention payable à l'ancien conseil aux termes du Règlement de l'Ontario 78/97, sans tenir compte des sommes payables aux termes de l'article 50 de ce règlement;
- et la somme de ce qui suit :
  - h) l'excédent éventuel de zéro sur la somme des subventions calculées, dans le cas de l'ancien conseil, pour 1997 aux termes des articles 8 à 45 du Règlement de l'Ontario 78/97;
  - i) les impôts radiés de l'ancien conseil calculés aux fins des recettes garanties aux termes du paragraphe (6).

(2) For the purposes of subclause (1) (e) (i), the amount of an old board's over-requisitions and reserve transfers is the old board's 1996 over-requisition, as reported in the audited 1997 financial statements of the old board at code point 0244, adjusted as follows:

1. Where the estimates adopted by the old board in 1997 report a net amount transferred from its reserve for working funds, add that net amount to the 1996 over-requisition.
2. Where the estimates adopted by the old board in 1997 report a net amount transferred to its reserve for working funds, deduct that net amount from the 1996 over-requisition.

(3) For the purposes of subclause (1) (e) (i), if the amount obtained under subsection (2) is a negative amount, the amount shall be deemed to be zero.

(4) For the purposes of clause (1) (f), the supplementary taxes of an old board for revenue guarantee purposes is the lesser of,

- (a) the taxes receivable in 1997 by the old board under section 35 of the *Assessment Act*; and
- (b) the greater of,
  - (i) the amount included in the 1997 estimates of the old board in respect of the taxes receivable in 1997 by it under section 35 of the *Assessment Act*, and
  - (ii) the average of the amounts received by the old board in 1992, 1993, 1994, 1995 and 1996 under section 35 of the *Assessment Act*.

(5) Calculations under clauses (1) (g) and (h) shall be made as if there was no withdrawal of employee services and no lock-out of employees during 1997.

(6) For the purposes of clause (1) (i), the tax write-off for an old board for revenue guarantee purposes is the lesser of,

- (a) the amounts charged to the old board in 1997 by a municipal council under section 421 of the *Municipal Act*, not including taxes receivable in 1997 by the old board to the extent that such taxes were cancelled or reduced as a result of a resolution of the old board; and
- (b) the greater of,
  - (i) the amounts included in the 1997 estimates of the old board in respect of the amounts chargeable in 1997 to it by a municipal council under section 421 of the *Municipal Act*, not including taxes receivable in 1997 by the old board to the extent that such taxes were cancelled or reduced as a result of a resolution of the old board; and
  - (ii) the average of the amounts charged to the old board in 1992, 1993, 1994, 1995 and 1996 by a municipal council under section 421 of the *Municipal Act*, not including taxes receivable in those years by the old board to the extent that such taxes were cancelled or reduced as a result of a resolution of the old board.

(7) For the purposes of subclauses (4) (b) (ii) and (6) (b) (ii), if the amount received or charged, as the case may be, in any one of the five years exceeds the five-year average by 75 per cent or more, the average shall be calculated excluding that year.

(2) Pour l'application du sous-alinéa (1) e) (i), les trop-perçus et les virements de réserve de l'ancien conseil correspondent au trop-perçu de 1996 de l'ancien conseil, tel qu'il figure au code 0244 de ses états financiers vérifiés de 1997, redressé de la manière suivante :

1. Si les prévisions budgétaires adoptées par l'ancien conseil en 1997 font état d'un virement net de sa réserve pour fonds de roulement, ajouter le montant de ce virement au trop-perçu de 1996.
2. Si les prévisions budgétaires adoptées par l'ancien conseil en 1997 font état d'un virement net à sa réserve pour fonds de roulement, déduire le montant de ce virement du trop-perçu de 1996.

(3) Pour l'application du sous-alinéa (1) e) (i), tout montant négatif obtenu aux termes du paragraphe (2) est réputé nul.

(4) Pour l'application de l'alinéa (1) f), les impôts supplémentaires de l'ancien conseil aux fins des recettes garanties correspondent au moindre de ce qui suit :

- a) les impôts que l'ancien conseil peut recevoir en 1997 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*;
- b) le plus élevé de ce qui suit :
  - (i) la somme qui figure dans les prévisions budgétaires de 1997 de l'ancien conseil à l'égard des impôts qu'il a pu recevoir en 1997 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*,
  - (ii) la moyenne des sommes que l'ancien conseil a reçues en 1992, 1993, 1994, 1995 et 1996 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*.

(5) Les calculs prévus aux alinéas (1) g) et h) sont effectués comme s'il n'y avait eu ni grève ni lock-out des employés en 1997.

(6) Pour l'application de l'alinéa (1) i), les impôts radiés de l'ancien conseil aux fins des recettes garanties correspondent au moindre de ce qui suit :

- a) les sommes qu'un conseil municipal a exigées de l'ancien conseil en 1997 aux termes de l'article 421 de la *Loi sur les municipalités*, à l'exclusion des impôts que l'ancien conseil a pu recevoir en 1997 dans la mesure où ces impôts ont été annulés ou réduits par suite d'une de ses résolutions;
- b) le plus élevé de ce qui suit :
  - (i) les sommes qui figurent dans les prévisions budgétaires de 1997 de l'ancien conseil à l'égard des sommes qu'un conseil municipal peut exiger de lui aux termes de l'article 421 de la *Loi sur les municipalités*, à l'exclusion des impôts que l'ancien conseil a pu recevoir en 1997 dans la mesure où ces impôts ont été annulés ou réduits par suite d'une de ses résolutions,
  - (ii) la moyenne des sommes qu'un conseil municipal a exigées de l'ancien conseil en 1992, 1993, 1994, 1995 et 1996 aux termes de l'article 421 de la *Loi sur les municipalités*, à l'exclusion des impôts que l'ancien conseil a pu recevoir pendant ces années dans la mesure où ces impôts ont été annulés ou réduits par suite d'une de ses résolutions.

(7) Pour l'application des sous-alinéas (4) b) (ii) et (6) b) (ii), toute année de la période de cinq ans pendant laquelle les sommes reçues ou exigées, selon le cas, sont supérieures d'au moins 75 pour cent à la moyenne quinquennale est exclue du calcul de cette moyenne.



## ALLOCATION RATIO

13. (1) Subject to subsection (3), the allocation ratio for the English-language portion of an old board is the ratio specified for English-language expenditures on the 1997 actual expenditure allocation form for the old board.

(2) Subject to subsection (3), the allocation ratio for the French-language portion of an old board is the ratio specified for French-language expenditures on the 1997 actual expenditure allocation form for the old board.

(3) The English-language district school board and the French-language district school board of which an old board is a predecessor may by agreement specify different allocation ratios for the English-language portion and French-language portion of the old board.

(4) If an old board has no French-language expenditures to note on the 1997 actual expenditure allocation form, the allocation ratio for the English-language portion of the old board is one and the allocation ratio for the French-language portion of the old board is zero.

(5) If an old board has no English-language expenditures to note on the 1997 actual expenditure allocation form, the allocation ratio for the French-language portion of the old board is one and the allocation ratio for the English-language portion of the old board is zero.

## ENROLMENT ADJUSTMENT FACTOR

14. (1) The enrolment adjustment factor for the English-language portion of an old board is determined by dividing the 1997-1998 school year English-language average daily enrolment for the old board area, as determined under subsection (2), by the 1997 calendar year English-language average daily enrolment for the old board, as determined under subsection (3).

(2) The 1997-1998 school year English-language average daily enrolment for the old board area is the sum of the following amounts:

1. The portion of the day school A.D.E. of resident-internal pupils and of the day school A.D.E. of resident-external pupils of the old board that is in respect of the period from September 1, 1997 to December 31, 1997, excluding pupils enrolled in a French-language instructional unit. For the purposes of this paragraph, "day school A.D.E. of resident-internal pupils" and "day school A.D.E. of resident-external pupils" have the same meaning as in Ontario Regulation 78/97.
2. The average daily enrolment calculated under section 2 of the short year A.D.E. regulation in respect of pupils who reside in the area of jurisdiction of the old board and who are resident pupils of an English-language district school board, excluding pupils enrolled in a secondary school who are 21 years of age or more on December 31, 1997 and pupils enrolled in a junior kindergarten program. For the purposes of this paragraph, a pupil is a resident pupil of a district school board if he or she is a resident-internal pupil or a resident-external pupil of the board within the meaning of the short year A.D.E. regulation.
3. The portion of the day school A.D.E. of non-resident pupils of the old board that is in respect of the period from September 1, 1997 to December 31, 1997, excluding pupils in respect of whom the Minister did not pay the cost of education under sections 31 to 34 of Ontario Regulation 78/97 and pupils enrolled in a French-language instructional unit. For the purposes of this paragraph, "day school A.D.E. of non-resident pupils" has the same meaning as in Ontario Regulation 78/97.

## FACTEUR DE RÉPARTITION

13. (1) Sous réserve du paragraphe (3), le facteur de répartition de la part de langue anglaise de l'ancien conseil correspond au facteur précisé dans le cas des dépenses de cette part dans sa formule de répartition des dépenses réelles de 1997.

(2) Sous réserve du paragraphe (3), le facteur de répartition de la part de langue française de l'ancien conseil correspond au facteur précisé dans le cas des dépenses de cette part dans sa formule de répartition des dépenses réelles de 1997.

(3) Le conseil scolaire de district de langue anglaise et le conseil scolaire de district de langue française qui remplacent un ancien conseil peuvent s'entendre pour préciser des facteurs de répartition différents pour la part de langue anglaise et la part de langue française de celui-ci.

(4) Le facteur de répartition de la part de langue anglaise de l'ancien conseil qui ne fait état d'aucune dépense pour une part de langue française dans sa formule de répartition des dépenses réelles de 1997 est de un et celui de sa part de langue française est de zéro.

(5) Le facteur de répartition de la part de langue française de l'ancien conseil qui ne fait état d'aucune dépense pour une part de langue anglaise dans sa formule de répartition des dépenses réelles de 1997 est de un et celui de sa part de langue anglaise est de zéro.

## FACTEUR DE REDRESSEMENT DE L'EFFECTIF

14. (1) Le facteur de redressement de l'effectif de la part de langue anglaise de l'ancien conseil se calcule en divisant l'effectif quotidien moyen de langue anglaise de l'année scolaire 1997-1998 du territoire de l'ancien conseil, calculé aux termes du paragraphe (2), par l'effectif quotidien moyen de langue anglaise de l'année civile 1997 de l'ancien conseil, calculé aux termes du paragraphe (3).

(2) L'effectif quotidien moyen de langue anglaise de l'année scolaire 1997-1998 du territoire de l'ancien conseil correspond à la somme de ce qui suit :

1. La fraction de l'effectif quotidien moyen des élèves résidents internes de jour et de l'effectif quotidien moyen des élèves résidents externes de jour de l'ancien conseil qui concerne la période qui commence le 1<sup>er</sup> septembre 1997 et qui se termine le 31 décembre 1997, à l'exclusion des élèves inscrits à un module scolaire de langue française. Pour l'application de la présente disposition, «effectif quotidien moyen des élèves résidents internes de jour» et «effectif quotidien moyen des élèves résidents externes de jour» s'entendent au sens de «day school A.D.E. of resident-internal pupils» et de «day school A.D.E. of resident-external pupils», respectivement, dans le Règlement de l'Ontario 78/97.
2. L'effectif quotidien moyen calculé aux termes de l'article 2 du règlement sur l'effectif quotidien moyen de l'année abrégée à l'égard des élèves qui résident dans le territoire de compétence de l'ancien conseil et qui sont élèves résidents d'un conseil scolaire de district de langue anglaise, à l'exclusion des élèves qui sont inscrits à une école secondaire et qui sont âgés d'au moins 21 ans le 31 décembre 1997, ainsi que des élèves inscrits à un programme de maternelle. Pour l'application de la présente disposition, l'élève est élève résident du conseil scolaire de district s'il est élève résident interne ou élève résident externe du conseil au sens du règlement sur l'effectif quotidien moyen de l'année abrégée.
3. La fraction de l'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil qui concerne la période qui commence le 1<sup>er</sup> septembre 1997 et qui se termine le 31 décembre 1997, à l'exclusion des élèves dont le ministre n'a pas payé les frais d'instruction aux termes des articles 31 à 34 du Règlement de l'Ontario 78/97 et des élèves inscrits à un module scolaire de langue française. Pour l'application de la présente disposition, «effectif quotidien moyen des élèves non résidents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97.

4. The average daily enrolment calculated under section 2 of the short year A.D.E. regulation in respect of non-resident pupils of an English-language district school board who reside in the area of jurisdiction of the old board and who would qualify for assistance for the cost of education under the rules set out in sections 31 to 34 of Ontario Regulation 78/97, if those rules applied in respect of the short year. For the purposes of this paragraph, a pupil is a non-resident pupil of a district school board if he or she is a non-resident pupil of the board within the meaning of the short year A.D.E. regulation.
  5. The product of,
    - i. 7, and
    - ii. the sum of the number of teachers and one-half of the number of teachers' assistants employed by the old board to provide English-language instruction, within the meaning of subsection 58.1 (1) of the Act, in programs approved by the Minister under section 27 of Ontario Regulation 78/97 for the purposes of the 1997-1998 school year.
- (3) The 1997 calendar year English-language average daily enrolment for the old board is the sum of the following amounts:
1. The 1997 day school A.D.E. of resident-external pupils and the 1997 day school A.D.E. of resident-internal pupils of the old board, excluding pupils enrolled in a French-language instructional unit. For the purposes of this paragraph, "day school A.D.E. of resident-external pupils" and "day school A.D.E. of resident-internal pupils" have the same meaning as in Ontario Regulation 78/97.
  2. The day school A.D.E. of non-resident pupils of the old board, excluding pupils in respect of whom the Minister did not pay the cost of education under sections 31 to 34 of Ontario Regulation 78/97 and pupils enrolled in a French-language instructional unit. For the purposes of this paragraph, "day school A.D.E. of non-resident pupils" has the same meaning as in Ontario Regulation 78/97.
3. The product of,
- i. 7, and
  - ii. the sum of the number of teachers and one-half of the number of teachers' assistants employed to provide English-language instruction, within the meaning of subsection 58.1 (1) of the Act, in programs approved by the Minister under section 27 of Ontario Regulation 78/97 for the purposes of the 1997 calendar year.
- (4) The following rules apply in respect of subsections (2) and (3):
1. This rule applies for the purposes of paragraphs 1 and 3 of subsection (2) and paragraphs 1 and 2 of subsection (3). A secondary school pupil of the old board who took some but not all of his or her credits in a French-language instructional unit shall be counted partly as a pupil enrolled in a French-language instructional unit and partly as a pupil not enrolled in such a unit, in the proportion that the credits taken by the pupil in a French-language instructional unit bears to the total credits taken by the pupil.
  2. This rule applies for the purposes of paragraph 2 of subsection (2) where, on October 31, 1997, a pupil was enrolled in a secondary school of a public old board and the pupil's parent or guardian was a separate school supporter whose 1997 taxes for secondary school purposes were applied to the support of the public old board. If the pupil is enrolled on March 31, 1998 in a secondary school of the district school board that, on March 31, 1998,
4. L'effectif quotidien moyen calculé aux termes de l'article 2 du règlement sur l'effectif quotidien moyen de l'année abrégée à l'égard des élèves non résidents d'un conseil scolaire de district de langue anglaise qui résident dans le territoire de compétence de l'ancien conseil et qui possèderaient les qualités requises pour obtenir de l'aide au titre des frais d'instruction aux termes des règles énoncées aux articles 31 à 34 du Règlement de l'Ontario 78/97 si ces règles s'appliquaient à l'année abrégée. Pour l'application de la présente disposition, l'élève est élève non résident du conseil scolaire de district s'il est élève non résident du conseil au sens du règlement sur l'effectif quotidien moyen de l'année abrégée.
  5. Le produit de ce qui suit :
    - (i) 7,
    - (ii) la somme du nombre des enseignants et de la moitié du nombre des aide-enseignants que l'ancien conseil employait pour dispenser l'enseignement en anglais, au sens du paragraphe 58.1 (1) de la Loi, dans des programmes que le ministre a approuvés aux termes de l'article 27 du Règlement de l'Ontario 78/97 aux fins de l'année scolaire 1997-1998.
- (3) L'effectif quotidien moyen de langue anglaise de l'année civile 1997 de l'ancien conseil correspond à la somme de ce qui suit :
1. L'effectif quotidien moyen des élèves résidents externes de jour de 1997 et l'effectif quotidien moyen des élèves résidents internes de jour de 1997 de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue française. Pour l'application de la présente disposition, «effectif quotidien moyen des élèves résidents externes de jour» et «effectif quotidien moyen des élèves résidents internes de jour» s'entendent au sens de «day school A.D.E. of resident-external pupils» et de «day school A.D.E. of resident-internal pupils», respectivement, dans le Règlement de l'Ontario 78/97.
  2. L'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil, à l'exclusion des élèves dont le ministre n'a pas payé les frais d'instruction aux termes des articles 31 à 34 du Règlement de l'Ontario 78/97 et des élèves inscrits à un module scolaire de langue française. Pour l'application de la présente disposition, «effectif quotidien moyen des élèves non résidents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97.
3. Le produit de ce qui suit :
- (i) 7,
  - (ii) la somme du nombre des enseignants et de la moitié du nombre des aide-enseignants que l'ancien conseil employait pour dispenser l'enseignement en anglais, au sens du paragraphe 58.1 (1) de la Loi, dans des programmes que le ministre a approuvés aux termes de l'article 27 du Règlement de l'Ontario 78/97 aux fins de l'année civile 1997.
- (4) Les règles qui suivent s'appliquent aux paragraphes (2) et (3) :
1. La présente règle s'applique pour l'application des dispositions 1 et 3 du paragraphe (2) et des dispositions 1 et 2 du paragraphe (3). L'élève du secondaire de l'ancien conseil qui a obtenu une partie seulement de ses crédits dans un module scolaire de langue française est compté en partie comme élève inscrit à un module scolaire de langue française et en partie comme élève qui n'est pas inscrit à un tel module, proportionnellement au rapport qui existe entre les crédits qu'il a obtenus dans ce module et le total de ses crédits.
  2. La présente règle s'applique pour l'application de la disposition 2 du paragraphe (2) si, le 31 octobre 1997, l'élève était inscrit à une école secondaire d'un ancien conseil public et que son père, sa mère ou son tuteur était un contribuable des écoles séparées dont les impôts aux fins des écoles secondaires de 1997 ont été affectés au soutien de l'ancien conseil public. L'élève qui, le 31 mars 1998, est inscrit à une école secondaire du conseil

governs the school that the pupil was enrolled in on October 31, 1997, he or she shall be counted as a resident pupil of the public district school board. For the purposes of this rule, "public old board" means an old board other than a Roman Catholic school board within the meaning of the *Education Act* as it read immediately before January 1, 1998.

3. This rule applies for the purposes of paragraph 2 of subsection (2) where, on October 31, 1997, a pupil was a resident pupil of an old board enrolled in an English-language instructional unit. If the pupil is enrolled on March 31, 1998 in a school governed by an English-language district school board of which the old board is a predecessor board, the pupil shall be counted as a resident pupil of the English-language district school board. For the purposes of this rule, a pupil was a resident pupil of an old board if the pupil was a resident-internal or resident-external pupil of the old board within the meaning of Ontario Regulation 78/97.

(5) Subsections (1) to (4) apply, with necessary modifications, in respect of the enrolment adjustment factor for the French-language portion of an old board and, for the purpose,

- (a) a reference to English-language shall be deemed to be a reference to French-language; and
- (b) a reference to French-language shall be deemed to be a reference to English-language.

(6) Where the enrolment adjustment factor calculated in accordance with subsections (1) to (5) is less than 1.0, the enrolment adjustment factor shall be adjusted by adding to it 50 per cent of the amount by which the factor is less than one.

#### JUNIOR KINDERGARTEN ADJUSTMENT

15. (1) In this section,

"resident-internal pupil" has the same meaning as in Ontario Regulation 78/97.

(2) Subsection (3) applies where an old board operated a junior kindergarten that was an English-language instructional unit in one or more of its schools in September, 1997 and,

- (a) did not operate a junior kindergarten that was an English-language instructional unit in any of its schools before September, 1997; or
- (b) was in September, 1997 following an implementation plan for junior kindergarten that involved phasing in junior kindergarten across the old board.

(3) Subject to subsection (2), the junior kindergarten adjustment for the English-language portion of an old board is the product of,

- (a) \$2,033; and
- (b) 37.2 per cent of the number of resident-internal pupils enrolled on October 31, 1997 in a junior kindergarten that,
  - (i) was operated by the old board in a school in which junior kindergarten was not provided before September 1, 1997, and
  - (ii) was not a French-language instructional unit.

(4) Subsection (5) applies where an old board operated a junior kindergarten that was a French-language instructional unit in one or more of its schools in September, 1997 and,

- (a) did not operate a junior kindergarten that was a French-language instructional unit in any of its schools before September, 1997; or
- (b) was in September, 1997 following an implementation plan for junior kindergarten that involved phasing in junior kindergarten across the old board.

scolaire de district dont, ce jour-là, relève l'école à laquelle il était inscrit le 31 octobre 1997 est compté comme élève résident de ce conseil. Pour l'application de la présente règle, «ancien conseil public» s'entend d'un ancien conseil, à l'exclusion d'un conseil d'écoles catholiques au sens de la *Loi sur l'éducation*, telle qu'elle existait immédiatement avant le 1<sup>er</sup> janvier 1998.

3. La présente règle s'applique pour l'application de la disposition 2 du paragraphe (2) si, le 31 octobre 1997, l'élève était un élève résident d'un ancien conseil qui était inscrit à un module scolaire de langue anglaise. Si, le 31 mars 1998, l'élève est inscrit à une école qui relève du conseil scolaire de district de langue anglaise qui remplace l'ancien conseil, il est compté comme élève résident du conseil scolaire de district. Pour l'application de la présente règle, l'élève est élève résident d'un ancien conseil s'il était élève résident interne ou élève résident externe de l'ancien conseil au sens de «*resident-internal pupil*» et de «*resident-external pupil*», respectivement, dans le Règlement de l'Ontario 78/97.

(5) Les paragraphes (1) à (4) s'appliquent, avec les adaptations nécessaires, au facteur de redressement de l'effectif de la part de langue française de l'ancien conseil. À cette fin :

- a) les mentions de la langue anglaise sont réputées des mentions de la langue française;
- b) les mentions de la langue française sont réputées des mentions de la langue anglaise.

(6) Si le facteur de redressement de l'effectif calculé conformément aux paragraphes (1) à (5) est inférieur à 1, il est redressé par ajout de 50 pour cent de la différence entre 1 et sa valeur.

#### REDRESSEMENT AU TITRE DES MATERNELLES

15. (1) La définition qui suit s'applique au présent article.

«élève résident interne» S'entend au sens de «*resident-internal pupil*» dans le Règlement de l'Ontario 78/97.

(2) Le paragraphe (3) s'applique si l'ancien conseil offrait une maternelle qui était un module scolaire de langue anglaise dans une ou plusieurs de ses écoles en septembre 1997 et que :

- a) soit il n'offrait pas une telle maternelle dans aucune de ses écoles avant septembre 1997;
- b) soit il suivait, en septembre 1997, un plan de mise en œuvre de maternelles qui prévoyait leur mise en place graduelle dans son territoire.

(3) Sous réserve du paragraphe (2), le redressement au titre des maternelles de la part de langue anglaise de l'ancien conseil correspond au produit de ce qui suit :

- a) 2 033 \$;
- b) 37,2 pour cent du nombre d'élèves résidents internes inscrits, le 31 octobre 1997, à une maternelle :
  - (i) d'une part, qu'offrait l'ancien conseil dans une école où il n'était pas offert de maternelle avant le 1<sup>er</sup> septembre 1997,
  - (ii) d'autre part, qui ne constituait pas un module scolaire de langue française.

(4) Le paragraphe (5) s'applique si l'ancien conseil offrait une maternelle qui était un module scolaire de langue française dans une ou plusieurs de ses écoles en septembre 1997 et que :

- a) soit il n'offrait pas une telle maternelle dans aucune de ses écoles avant septembre 1997;
- b) soit il suivait, en septembre 1997, un plan de mise en œuvre de maternelles qui prévoyait leur mise en place graduelle dans son territoire.

(5) Subject to subsection (4), the junior kindergarten adjustment for the French-language portion of an old board is the product of,

- (a) \$2,033; and
- (b) 37.2 per cent of the number of resident-internal pupils enrolled on October 31, 1997 in a junior kindergarten that,
  - (i) was operated by the old board in a school in which junior kindergarten was not provided before September 1, 1997, and
  - (ii) was a French-language instructional unit.

#### SUMMER SCHOOL ADJUSTMENT

16. (1) In this section,

"day school A.D.E. of resident-external pupils" has the same meaning as in Ontario Regulation 78/97; ("effectif quotidien moyen des élèves résidents externes de jour")

"day school A.D.E. of resident-internal pupils" has the same meaning as in Ontario Regulation 78/97; ("effectif quotidien moyen des élèves résidents internes de jour")

"summer school A.D.E. for grant purposes" has the same meaning as in Ontario Regulation 78/97. ("effectif quotidien moyen des cours d'été aux fins des subventions")

(2) The summer school adjustment for the English-language portion of an old board is the product of,

- (a) the 1997 summer school A.D.E. for grant purposes, excluding pupils enrolled in a French-language instructional unit less the product of,
  - (i) the 1997 day school A.D.E. of resident-external pupils and resident-internal pupils, excluding pupils enrolled in a French-language instructional unit, and

(ii) 0.004;

(b) \$2,257; and

(c) 0.38.

(3) The summer school adjustment for the French-language portion of an old board is the product of,

- (a) the 1997 summer school A.D.E. for grant purposes, excluding pupils enrolled in an English-language instructional unit less the product of,
  - (i) the 1997 day school A.D.E. of resident-external pupils and resident-internal pupils, excluding pupils enrolled in an English-language instructional unit, and

(ii) 0.004;

(b) \$2,257; and

(c) 0.38.

#### SHORT YEAR TAX REVENUE OF A DISTRICT SCHOOL BOARD

17. (1) For the purposes of paragraph 2 of section 10, the short year tax revenue of the district school board shall be determined as follows:

(5) Sous réserve du paragraphe (4), le redressement au titre des maternelles de la part de langue française de l'ancien conseil correspond au produit de ce qui suit :

a) 2 033 \$;

b) 37,2 pour cent du nombre d'élèves résidents internes inscrits, le 31 octobre 1997, à une maternelle :

(i) d'une part, qu'offrait l'ancien conseil dans une école où il n'était pas offert de maternelle avant le 1<sup>er</sup> septembre 1997,

(ii) d'autre part, qui constituait un module scolaire de langue française.

#### REDRESSEMENT AU TITRE DES COURS D'ÉTÉ

16. (1) Les définitions qui suivent s'appliquent au présent article.

«effectif quotidien moyen des cours d'été aux fins des subventions» S'entend au sens de «summer school A.D.E. for grant purposes» dans le Règlement de l'Ontario 78/97. («summer school A.D.E. for grant purposes»)

«effectif quotidien moyen des élèves résidents externes de jour» S'entend au sens de «day school A.D.E. of resident-external pupils» dans le Règlement de l'Ontario 78/97. («day school A.D.E. of resident-external pupils»)

«effectif quotidien moyen des élèves résidents internes de jour» S'entend au sens de «day school A.D.E. of resident-internal pupils» dans le Règlement de l'Ontario 78/97. («day school A.D.E. of resident-internal pupils»)

(2) Le redressement au titre des cours d'été de la part de langue anglaise de l'ancien conseil est le produit de ce qui suit :

a) l'effectif quotidien moyen des cours d'été aux fins des subventions de 1997, à l'exclusion des élèves inscrits à un module scolaire de langue française, déduction faite du produit de ce qui suit :

(i) l'effectif quotidien moyen de 1997 des élèves résidents externes de jour et des élèves résidents internes de jour, à l'exclusion des élèves inscrits à un module scolaire de langue française,

(ii) 0,004;

b) 2 257 \$;

c) 0,38.

(3) Le redressement au titre des cours d'été de la part de langue française de l'ancien conseil est le produit de ce qui suit :

a) l'effectif quotidien moyen des cours d'été aux fins des subventions de 1997, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise, déduction faite du produit de ce qui suit :

(i) l'effectif quotidien moyen de 1997 des élèves résidents externes de jour et des élèves résidents internes de jour, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise,

(ii) 0,004;

b) 2 257 \$;

c) 0,38.

#### RECETTES FISCALES DE L'ANNÉE ABRÉGÉE DES CONSEILS SCOLAIRES DE DISTRICT

17. (1) Pour l'application de la disposition 2 de l'article 10, les recettes fiscales de l'année abrégée du conseil scolaire de district sont calculées de la manière suivante :

## 1. Add,

i. the total of the amounts distributed to the district school board in respect of the 1998 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,

ii. the amounts, if any, received by the district school board in respect of the 1998 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,

iii. the total of the payments in lieu of taxes distributed to the district school board in respect of the 1998 calendar year under subsection 371.1 (1) of the *Municipal Act*, and

iv. the total of the amounts, if any, received by the district school board in respect of the 1998 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property.

## 2. Multiply by 0.62.

3. Deduct the cost incurred in the short year by the district school board in collecting taxes for school purposes in territory without municipal organization, to a maximum of 2 per cent of 62 per cent of the total amount of the taxes levied by it in 1998 for school purposes in territory without municipal organization.

4. If An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, deduct the total of the amounts paid as rebates by the district school board under section 257.2.1 of the Act in the short year.

(2) Amounts paid by the Minister to the board in respect of the 1998 calendar year under section 257.11 of the Act shall be deemed to be amounts distributed to the board in respect of the 1998 calendar year under a provision of the Act referred to in subparagraph i of paragraph 1 of subsection (1).

## ASSISTANCE RELATED TO NEGATIVE GRANTS

18. (1) This section applies where the sum of the amounts calculated as grants under sections 8 to 45 of Ontario Regulation 78/97 for a predecessor old board of a district school board is less than zero.

(2) In the case of an English-language district school board, the amount to be added under paragraph 3 of section 10 shall be determined as follows:

1. Determine the amount by which the sum of the amounts calculated as grants for the predecessor old board for 1997 under sections 8 to 45 of Ontario Regulation 78/97 is less than zero.

2. Multiply the amount determined under paragraph 1 by 0.62.

3. Multiply the amount determined under paragraph 2 by the allocation ratio for the English-language portion of the old board, as determined or specified under section 13.

(3) In the case of a French-language district school board, the amount to be added under paragraph 3 of section 10 shall be determined as follows:

## 1. Additionner ce qui suit :

i. le total des sommes remises au conseil scolaire de district à l'égard de l'année civile 1998 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,

ii. les sommes éventuelles que le conseil scolaire de district reçoit à l'égard de l'année civile 1998 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,

iii. le total des paiements tenant lieu d'impôts remis au conseil scolaire de district à l'égard de l'année civile 1998 en vertu du paragraphe 371.1 (1) de la *Loi sur les municipalités*,

iv. le total des sommes éventuelles que le conseil scolaire de district reçoit à l'égard de l'année civile 1998 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles.

## 2. Multiplier par 0,62.

3. Déduire le coût de la perception des impôts scolaires dans un territoire non érigé en municipalité, qu'a engagé le conseil scolaire de district pendant l'année abrégée, jusqu'à concurrence de 2 pour cent de 62 pour cent du total des impôts scolaires qu'il a prélevés en 1998 dans un tel territoire.

4. En cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, déduire le total des remises que le conseil accorde aux termes de l'article 257.2.1 de la Loi pendant l'année abrégée.

(2) Les sommes que le ministre verse au conseil à l'égard de l'année civile 1998 aux termes de l'article 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 1998 aux termes d'une disposition de la Loi visée à la sous-disposition i de la disposition 1 du paragraphe (1)

## AIDE AU TITRE DES SUBVENTIONS NÉGATIVES

18. (1) Le présent article s'applique si la somme des subventions calculées aux termes des articles 8 à 45 du Règlement de l'Ontario 78/97 dans le cas d'un ancien conseil que remplace le conseil scolaire de district est inférieure à zéro.

(2) Dans le cas du conseil scolaire de district de langue anglaise, la somme à ajouter aux termes de la disposition 3 de l'article 10 est calculée de la manière suivante :

1. Calculer la différence entre la somme des subventions calculées aux termes des articles 8 à 45 du Règlement de l'Ontario 78/97 dans le cas de l'ancien conseil remplacé et zéro.

2. Multiplier la valeur calculée aux termes de la disposition 1 par 0,62.

3. Multiplier la valeur calculée aux termes de la disposition 2 par le facteur de répartition de la part de langue anglaise de l'ancien conseil, fixé ou précisé aux termes de l'article 13.

(3) Dans le cas du conseil scolaire de district de langue française, la somme à ajouter aux termes de la disposition 3 de l'article 10 est calculée de la manière suivante :



1. Determine the amount by which the sum of the amounts calculated as grants for the predecessor old board for 1997 under sections 8 to 45 of Ontario Regulation 78/97 is less than zero.
2. Multiply the amount determined under paragraph 1 by 0.62.
3. Multiply the amount determined under paragraph 2 by the allocation ratio for the French-language portion of the old board, as determined or specified under section 13.
- (4) Calculations under this section shall be made as if there was no withdrawal of employee services and no lock-out of employees during 1997.

#### ASSISTANCE FOR EXTRAORDINARY 1997 TAX WRITE-OFFS

19. (1) In the case of an English-language district school board, the amount to be added under paragraph 4 of section 10 shall be determined as follows:

1. For each predecessor old board of the English-language district school board, determine the amount, if any, by which the amount determined under clause 12 (6) (a) exceeds the amount determined under clause 12 (6) (b).
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the English-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".
3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the English-language district school board.

(2) In the case of a French-language district school board, the amount to be added under paragraph 4 of section 10 shall be determined as follows:

1. For each predecessor old board of the French-language district school board, determine the amount, if any, by which the amount determined under clause 12 (6) (a) exceeds the amount determined under clause 12 (6) (b).
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the French-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".
3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the French-language district school board.

#### ADJUSTMENT FOR 1997 EXTRAORDINARY SUPPLEMENTARY TAXES

20. (1) In the case of an English-language district school board, the amount to be deducted under paragraph 5 of section 10 shall be determined as follows:

1. For each predecessor old board of the English-language district school board, determine the amount, if any, by which the amount determined under clause 12 (4) (a) exceeds the amount determined under clause 12 (4) (b).
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the English-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

1. Calculer la différence entre la somme des subventions calculées aux termes des articles 8 à 45 du Règlement de l'Ontario 78/97 dans le cas de l'ancien conseil remplacé et zéro.
2. Multiplier la valeur calculée aux termes de la disposition 1 par 0,62.
3. Multiplier la valeur calculée aux termes de la disposition 2 par le facteur de répartition de la part de langue française de l'ancien conseil, fixé ou précisé aux termes de l'article 13.

(4) Les calculs prévus au présent article sont effectués comme s'il n'y avait eu ni grève ni lock-out des employés en 1997.

#### AIDE AU TITRE DES RADIATIONS D'IMPÔTS EXTRAORDINAIRES DE 1997

19. (1) Dans le cas du conseil scolaire de district de langue anglaise, la somme à ajouter aux termes de la disposition 4 de l'article 10 est calculée de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'excédent éventuel de la somme calculée aux termes de l'alinéa 12 (6) a) sur la somme calculée aux termes de l'alinéa 12 (6) b).
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».
3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.

(2) Dans le cas du conseil scolaire de district de langue française, la somme à ajouter aux termes de la disposition 4 de l'article 10 est calculée de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'excédent éventuel de la somme calculée aux termes de l'alinéa 12 (6) a) sur la somme calculée aux termes de l'alinéa 12 (6) b).
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».
3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.

#### REDRESSEMENT AU TITRE DES IMPÔTS SUPPLÉMENTAIRES EXTRAORDINAIRES DE 1997

20. (1) Dans le cas du conseil scolaire de district de langue anglaise, la somme à déduire aux termes de la disposition 5 de l'article 10 est calculée de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'excédent éventuel de la somme calculée aux termes de l'alinéa 12 (4) a) sur la somme calculée aux termes de l'alinéa 12 (4) b).
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the English-language district school board.

(2) In the case of an French-language district school board, the amount to be deducted under paragraph 5 of section 10 shall be determined as follows:

1. For each predecessor old board of the French-language district school board, determine the amount, if any, by which the amount determined under clause 12 (4) (a) exceeds the amount determined under clause 12 (4) (b).
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the French-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".
3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the French-language district school board.

#### ASSISTANCE FOR PROGRAMS IN LIEU

21. (1) This section applies where,

- (a) a pupil who was not a resident pupil of a predecessor old board of a district school board immediately before the short year becomes a resident pupil of the district school board during the short year;
- (b) the pupil requires a special education program in lieu of an education program provided in a provincial school for blind, deaf or deaf-blind pupils; and
- (c) the district school board hires additional employees in order to establish or expand a special education program of the type described in clause (b) for the pupil.

(2) The amount to be added under paragraph 7 of section 10 shall be determined as follows:

1. Determine the number of teachers and one-half the number of teacher assistants employed by the board in accordance with the Minister's approval for the purpose of educating each pupil in the circumstances described in subsection (1).
2. In the case of an elementary school pupil, multiply the number determined for the pupil under paragraph 1 by \$48,200. Multiply the product by 0.1 for each month or part of a month that the program is provided by the board to the pupil during the short year.
3. In the case of a secondary school pupil, multiply the number determined for the pupil under paragraph 1 by \$55,400. Multiply the product by 0.1 for each month or part of a month that the program is provided by the board to the pupil during the short year.
4. Determine the number of interpreters employed by the board in accordance with the Minister's approval for the purpose of educating each pupil in the circumstances described in subsection (1).
5. Multiply the number determined for the pupil under paragraph 4 by \$34,000. Multiply the product by 0.1 for each month or part of a month that the program is provided by the board to the pupil during the short year.
6. Determine the number of transcribers employed by the board in accordance with the Minister's approval for the purpose of educating each pupil in the circumstances described in subsection (1).

3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.

(2) Dans le cas du conseil scolaire de district de langue française, la somme à déduire aux termes de la disposition 5 de l'article 10 est calculée de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'excédent éventuel de la somme calculée aux termes de l'alinéa 12 (4) a) sur la somme calculée aux termes de l'alinéa 12 (4) b).
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».
3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.

#### AIDE AU TITRE DES PROGRAMMES TENANT LIEU DE SERVICES

21. (1) Le présent article s'applique si les conditions suivantes sont réunies :

- a) l'élève qui n'était pas élève résident d'un ancien conseil que remplace le conseil scolaire de district avant l'année abrégée devient élève résident du conseil scolaire de district pendant celle-ci;
- b) l'élève a besoin d'un programme d'enseignement à l'enfance en difficulté qui tient lieu d'un programme d'enseignement offert dans une école provinciale pour élèves aveugles, sourds ou sourds et aveugles;
- c) le conseil scolaire de district engage des employés supplémentaires afin de créer ou d'étendre un programme d'enseignement à l'enfance en difficulté du genre visé à l'alinéa b) au profit de l'élève.

(2) La somme à ajouter aux termes de la disposition 7 de l'article 10 est calculée de la manière suivante :

1. Calculer le nombre des enseignants et la moitié du nombre des aide-enseignants que le conseil emploie avec l'approbation du ministre pour dispenser l'enseignement à chaque élève dans les circonstances visées au paragraphe (1).
2. Dans le cas d'un élève de l'élémentaire, multiplier par 48 200 \$ le nombre calculé pour cet élève aux termes de la disposition 1. Multiplier ce produit par 0,1 pour chaque mois ou fraction de mois de l'année abrégée pendant lequel le conseil offre le programme à l'élève.
3. Dans le cas d'un élève du secondaire, multiplier par 55 400 \$ le nombre calculé pour cet élève aux termes de la disposition 1. Multiplier ce produit par 0,1 pour chaque mois ou fraction de mois de l'année abrégée pendant lequel le conseil offre le programme à l'élève.
4. Calculer le nombre d'interprètes que le conseil emploie avec l'approbation du ministre pour dispenser l'enseignement à chaque élève dans les circonstances visées au paragraphe (1).
5. Multiplier par 34 000 \$ le nombre calculé pour chaque élève aux termes de la disposition 4. Multiplier ce produit par 0,1 pour chaque mois ou fraction de mois de l'année abrégée pendant lequel le conseil offre le programme à l'élève.
6. Calculer le nombre de transcribers que le conseil emploie avec l'approbation du ministre pour dispenser l'enseignement à chaque élève dans les circonstances visées au paragraphe (1).

7. Multiply the number determined for the pupil under paragraph 6 by \$28,000. Multiply the product by 0.1 for each month or part of a month that the program is provided by the board to the pupil during the short year.
8. Total the amounts determined under paragraphs 2, 3, 5 and 7.

(3) For the purposes of subsection (2), a number can be a whole number, a fraction or a mixed number.

(4) For the purposes of paragraph 4 of subsection (2), an interpreter shall be counted only if he or she,

- (a) is qualified as an interpreter in accordance with Policy/Program Memorandum #76-C; and
- (b) is employed by the board to assist an exceptional pupil who is otherwise admissible to a program in a provincial school for deaf or hard-of-hearing pupils.

(5) For the purposes of paragraph 6 of subsection (2), a transcriber shall be counted only if he or she,

- (a) is qualified as a transcriber in accordance with Policy/Program Memorandum #76-C; and
- (b) is employed by the board to assist an exceptional pupil who is otherwise admissible to a program in a provincial school for blind pupils.

#### ADJUSTMENT FOR TEACHERS' WITHDRAWAL OF SERVICES

22. (1) In the case of an English-language district school board, the amount to be deducted under paragraph 8 of section 10 shall be determined as follows:

1. For each predecessor old board of the English-language district school board, determine the amount, if any, that was transferred at the end of 1997 from the reserve of the old board established under section 237 or 238 of the *Education Act*, as it read on December 31, 1997, to the general revenue fund of the old board.
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the English-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".
3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the English-language district school board.

(2) In the case of a French-language district school board, the amount to be deducted under paragraph 8 of section 10 shall be determined as follows:

1. For each predecessor old board of the French-language district school board, determine the amount, if any, that was transferred at the end of 1997 from the reserve of the old board established under section 237 or 238 of the *Education Act*, as it read on December 31, 1997, to the general revenue fund of the old board.
2. Multiply the amount determined under paragraph 1 for each predecessor old board of the French-language district school board by the appropriate distribution ratio, as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".
3. Total the amounts determined under paragraph 2 for each old board that is a predecessor of the French-language district school board.

7. Multiplier par 28 000 \$ le nombre calculé pour chaque élève aux termes de la disposition 6. Multiplier ce produit par 0,1 pour chaque mois ou fraction de mois de l'année abrégée pendant laquelle le conseil offre le programme à l'élève.

8. Additionner les sommes calculées aux termes des dispositions 2, 3, 5 et 7.

(3) Pour l'application du paragraphe (2), un nombre peut être entier, fractionnaire ou mixte.

(4) Pour l'application de la disposition 4 du paragraphe (2), l'interprète n'est compté que s'il réunit les conditions suivantes :

- a) il possède les qualités requises pour être interprète conformément à la note Politique/Programmes n° 76C;
- b) le conseil l'emploie pour aider un élève en difficulté qui est par ailleurs admissible à un programme d'une école provinciale pour élèves sourds ou malentendants.

(5) Pour l'application de la disposition 6 du paragraphe (2), le transcrip-teur n'est compté que s'il réunit les conditions suivantes :

- a) il possède les qualités requises pour être transcrip-teur conformément à la note Politique/Programmes n° 76C;
- b) le conseil l'emploie pour aider un élève en difficulté qui est par ailleurs admissible à un programme d'une école provinciale pour élèves aveugles.

#### REDRESSEMENT AU TITRE DU RETRAIT DE SERVICES PAR LES ENSEIGNANTS

22. (1) Dans le cas du conseil scolaire de district de langue anglaise, la somme à déduire aux termes de la disposition 8 de l'article 10 est calculée de la manière suivante :

1. Calculer la somme éventuelle que chaque ancien conseil que remplace le conseil scolaire de district a virée à la fin de 1997 de la réserve constituée aux termes de l'article 237 ou 238 de la *Loi sur l'éducation*, tel qu'il existait le 31 décembre 1997, à son fonds d'administration générale.
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».
3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.

(2) Dans le cas du conseil scolaire de district de langue française, la somme à déduire aux termes de la disposition 8 de l'article 10 est calculée de la manière suivante :

1. Calculer la somme éventuelle que chaque ancien conseil que remplace le conseil scolaire de district a virée à la fin de 1997 de la réserve constituée aux termes de l'article 237 ou 238 de la *Loi sur l'éducation*, tel qu'il existait le 31 décembre 1997, à son fonds d'administration générale.
2. Multiplier la somme calculée aux termes de la disposition 1 pour chaque ancien conseil que remplace le conseil scolaire de district par le facteur de répartition pertinent établi aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».
3. Additionner les sommes calculées aux termes de la disposition 2 pour chaque ancien conseil que remplace le conseil scolaire de district.



## CAPITAL PROJECT GRANT

23. (1) In this section,

“capital asset” means,

- (a) a school site that provides or is capable of providing pupil accommodation and an addition or improvement to such a school site,
- (b) a school building, including a fixture of a school building, and an addition, alteration, renovation or major repair to a school building or a fixture of a school building,
- (c) furniture and equipment to be used in school buildings,
- (d) library materials for the initial equipping of a library in a school building, and
- (e) a water supply or electrical power supply on school property or the means of conveying water or electrical power to school property from outside the property; (“immobilisation”)

“capital project” means a project for the acquisition of capital assets. (“projet d’immobilisations”)

(2) For the purposes of this section, a capital project is an approved short year capital project if the Minister gives a final written approval for the project during the short year.

(3) For the purposes of this section,

- (a) an approved short year capital project is an approved short year growth capital project if the project is intended to result in an increase in the pupil places of a board or the purchase of land for the purposes of increasing the pupil places of a board; and
- (b) an approved short year capital project is an approved short year non-growth capital project if it is not an approved short year growth capital project.

(4) A district school board shall be paid a grant in respect of each approved short year capital project of the board equal to the product of,

- (a) the lesser of the project cost specified in the final approval for the project referred to in subsection (2) and the actual expenditure of the district school board on the project; and
- (b) the rate determined under subsections (6) to (10).

(5) Despite section 3, the total of the instalments paid to the district school board in the short year on account of a grant payable under subsection (4) shall not exceed the total of the actual expenditures of the board on the project in the short year.

(6) The rate for an approved short year non-growth capital project of a district school board is the rate set out in Column 3 of Table 2, opposite the listing in column 1 for the district school board and the listing in column 2 for the predecessor old board that proposed the project.

(7) The rate for an approved short year growth capital project of a district school board is the rate set out in Column 4 of Table 2, opposite the listing in column 1 for the district school board and the listing in column 2 for the predecessor old board that proposed the project.

(8) Despite subsections (6) and (7), the rate for an approved short year capital project in respect of a secondary school of a French-language district school board is the rate set out in Column 5 of Table 2, opposite

## SUBVENTION AU TITRE DES PROJETS D'IMMOBILISATIONS

23. (1) Les définitions qui suivent s'appliquent au présent article.

«immobilisation» S'entend de ce qui suit :

- a) l'emplacement scolaire qui offre ou est capable d'offrir des installations d'accueil pour les élèves et son agrandissement et l'amélioration qui y est apportée,
- b) le bâtiment scolaire, y compris un accessoire fixe, ainsi que son agrandissement, sa transformation, sa rénovation ou une réparation importante qui lui est apportée,
- c) les meubles et le matériel qui doivent servir dans les bâtiments scolaires,
- d) les documents de bibliothèque nécessaires à la dotation initiale d'une bibliothèque en matériel dans un bâtiment scolaire,
- e) les installations d'alimentation de l'école en eau ou en électricité, soit sur les lieux mêmes, soit par approvisionnement en provenance de l'extérieur. («capital asset»)

«projet d'immobilisations» Projet visant l'acquisition d'immobilisations. («capital project»)

(2) Pour l'application du présent article, constitue un projet d'immobilisations de l'année abrégée approuvé le projet d'immobilisations à l'égard duquel le ministre donne son approbation écrite définitive pendant l'année abrégée.

(3) Pour l'application du présent article :

- a) d'une part, le projet d'immobilisations de l'année abrégée approuvé qui vise à entraîner une augmentation des places du conseil ou l'acquisition de biens-fonds aux fins d'une telle augmentation constitue un projet d'immobilisations de l'année abrégée approuvé lié à la croissance;
- b) d'autre part, le projet d'immobilisations de l'année abrégée approuvé qui n'est pas un projet d'immobilisations de l'année abrégée approuvé lié à la croissance constitue un projet d'immobilisations de l'année abrégée approuvé non lié à la croissance.

(4) Le conseil scolaire de district reçoit pour chacun de ses projets d'immobilisations de l'année abrégée approuvés une subvention égale au produit de ce qui suit :

- a) le moindre du coût du projet que précise l'approbation définitive visée au paragraphe (2) et des dépenses réelles que le conseil scolaire de district a engagées dans le cadre du projet;
- b) le taux fixé aux termes des paragraphes (6) à (10).

(5) Malgré l'article 3, le total des versements échelonnés payés au conseil scolaire de district pendant l'année abrégée au titre d'une subvention payable aux termes du paragraphe (4) ne doit pas dépasser le total des dépenses réelles que le conseil engage à l'égard du projet pendant l'année abrégée.

(6) Le taux applicable au projet d'immobilisations de l'année abrégée approuvé non lié à la croissance du conseil scolaire de district est le taux qui figure à la colonne 3 du tableau 2, en regard de la mention du conseil scolaire de district à la colonne 1 et de celle de l'ancien conseil remplacé qui a proposé le projet à la colonne 2.

(7) Le taux applicable au projet d'immobilisations de l'année abrégée approuvé lié à la croissance du conseil scolaire de district est le taux qui figure à la colonne 4 du tableau 2, en regard de la mention du conseil scolaire de district à la colonne 1 et de celle de l'ancien conseil remplacé qui a proposé le projet à la colonne 2.

(8) Malgré les paragraphes (6) et (7), le taux applicable au projet d'immobilisations de l'année abrégée approuvé concernant une école secondaire du conseil scolaire de district de langue française est le taux qui figure à la

the listing in column 1 for the district school board and the listing in column 2 for the predecessor old board that proposed the project.

(9) Subsections (6) to (8) do not apply to approved short year capital projects that fall under the 1998 facilities renewal program described in the Ministry memorandum dated March 12, 1998 to directors of education respecting the 1998 facilities renewal project.

(10) The rate for an approved short year capital project to which subsection (9) applies shall be deemed to be 1.0.

(11) Any grant or portion of a grant that is payable to a district school board in respect of a capital project under a previous legislative grant regulation and that is not paid before January 1, 1998 shall be deemed, until the end of the short year, to be a grant payable under this Regulation.

(12) Despite section 3, the total of the instalments paid to the district school board in the short year on account of a grant or portion of a grant payable under subsection (11) shall not exceed the total of the actual expenditures of the board on the project in the short year.

(13) Any grant or portion of a grant that is payable under subsection (11) is not payable during the short year under any previous legislative grant regulation.

### PART III

#### PAYMENTS BY SUPPORTED BOARD FOR SERVICES OF DESIGNATED BOARD

24. (1) In this section,

“common jurisdiction expenditure item revenue” means revenue associated with an item described as revenue or as recovery on the section of the 1997 actual expenditure allocation form that deals with common jurisdiction expenditures.

(2) For the purposes of the definition of “supported board’s common jurisdiction expenditure costs” in section 19 of Ontario Regulation 460/97, the common jurisdiction expenditure costs of a supported board associated with an old board shall be determined as follows where the supported board is an English-language district school board:

1. Take the amount shown on the old board’s 1997 actual expenditure allocation form, under the column heading “English Language Portion”, as the total net common jurisdiction expenditures.
2. Where, during the short year, the supported board receives some or all of the common jurisdiction expenditure item revenues directly, rather than through the designated board associated with the old board, add the amounts that are shown in relation to those items on the old board’s 1997 actual expenditure allocation form under the column heading “English Language Portion”.
3. Multiply by 0.62.
4. Multiply by the enrolment adjustment factor for the English-language portion of the old board, as determined under section 14.

(3) For the purposes of the definition of “supported board’s common jurisdiction expenditure costs” in section 19 of Ontario Regulation 460/97, the common jurisdiction expenditure costs of a supported board associated with an old board shall be determined as follows where the supported board is a French-language district school board:

1. Take the amount shown on the old board’s 1997 actual expenditure allocation form, under the column heading “French Language Portion”, as the total net common jurisdiction expenditures.

colonne 5 du tableau 2, en regard de la mention du conseil scolaire de district à la colonne 1 et de celle de l’ancien conseil remplacé qui a proposé le projet à la colonne 2.

(9) Les paragraphes (6) à (8) ne s’appliquent pas aux projets d’immobilisations de l’année abrégée approuvés qui s’inscrivent dans le cadre du programme de réfection des installations décrit dans la note de service à ce sujet, datée du 12 mars 1998, que le ministère a envoyée aux directeurs de l’éducation.

(10) Le taux applicable au projet d’immobilisations de l’année abrégée approuvé auquel le paragraphe (9) ne s’applique pas est réputé être de 1,0.

(11) La subvention ou la fraction de subvention payable à un conseil scolaire de district à l’égard d’un projet d’immobilisations aux termes d’un règlement antérieur sur les subventions générales et qui n’est pas versée avant le 1<sup>er</sup> janvier 1998 est réputée, jusqu’à la fin de l’année abrégée, une subvention payable aux termes du présent règlement.

(12) Malgré l’article 3, le total des versements échelonnés payés au conseil scolaire de district pendant l’année abrégée au titre d’une subvention ou d’une fraction de subvention payable aux termes du paragraphe (11) ne doit pas dépasser le total des dépenses réelles que le conseil engage à l’égard du projet pendant l’année abrégée.

(13) La subvention ou la fraction de subvention payable aux termes du paragraphe (11) ne l’est pas pendant l’année abrégée aux termes d’un règlement antérieur sur les subventions générales.

### PARTIE III

#### PAIEMENTS DES CONSEILS SECONDÉS AU TITRE DES SERVICES DES CONSEILS DÉSIGNÉS

24. (1) La définition qui suit s’applique au présent article.

«recettes liées à un poste de dépenses de compétence commune»  
Recettes liées à un poste de recettes ou de recouvrement de la section de la formule de répartition des dépenses réelles de 1997 qui porte sur les dépenses de compétence commune.

(2) Pour l’application de la définition de «frais qui incombent au conseil secondé au titre des dépenses de compétence commune» à l’article 19 du Règlement de l’Ontario 460/97, les frais qui incombent au conseil secondé rattaché à un ancien conseil au titre des dépenses de compétence commune sont calculés de la manière suivante si le conseil secondé est un conseil scolaire de district de langue anglaise :

1. Prendre le total des dépenses nettes de compétence commune qui figure dans la colonne intitulée «Part Langue Anglaise», dans la formule de répartition des dépenses réelles de 1997 de l’ancien conseil.
2. Si, pendant l’année abrégée, le conseil secondé reçoit tout ou partie des recettes liées à un poste de dépenses de compétence commune directement plutôt que par le biais du conseil désigné rattaché à l’ancien conseil, ajouter les sommes qui figurent en regard de ces postes dans la colonne intitulée «Part Langue Anglaise», dans la formule de répartition des dépenses réelles de 1997 de l’ancien conseil.
3. Multiplier par 0,62.
4. Multiplier par le facteur de redressement de l’effectif de la part de langue anglaise de l’ancien conseil, calculé aux termes de l’article 14.

(3) Pour l’application de la définition de «frais qui incombent au conseil secondé au titre des dépenses de compétence commune» à l’article 19 du Règlement de l’Ontario 460/97, les frais qui incombent au conseil secondé rattaché à un ancien conseil au titre des dépenses de compétence commune sont calculés de la manière suivante si le conseil secondé est un conseil scolaire de district de langue française :

1. Prendre le total des dépenses nettes de compétence commune qui figure dans la colonne intitulée «Part Langue Française», dans la formule de répartition des dépenses réelles de 1997 de l’ancien conseil.

2. Where, during the short year, the supported board receives some or all of the common jurisdiction expenditure item revenues directly, rather than through the designated board associated with the old board, add the amounts that are shown in relation to those items on the old board's 1997 actual expenditure allocation form under the column heading "French Language Portion".

3. Multiply by 0.62.

4. Multiply by the enrolment adjustment factor for the French-language portion of the old board, as determined under section 14.

#### PART IV GRANTS TO SCHOOL AUTHORITIES

##### GRANTS TO ISOLATE BOARDS

25. (1) For the purposes of this section, the approved expenditure of an isolate board is the expenditure that is acceptable to the Minister as shown on the board's actual grant calculation form for the short year.

(2) For the purposes of this section, the short year tax revenue of an isolate board shall be determined as follows:

1. Add,

- i. the total of the amounts distributed to the isolate board in respect of the 1998 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,
- ii. the amounts, if any, received by the isolate board in respect of the 1998 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,
- iii. the total of the payments in lieu of taxes distributed to the isolate board in respect of the 1998 calendar year under subsection 371.1 (1) of the *Municipal Act*, and
- iv. the total of the amounts, if any, received by the isolate board in respect of the 1998 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property.

2. Multiply by 0.62.

3. Deduct the cost incurred in the short year by the isolate board in collecting taxes for school purposes in territory without municipal organization, to a maximum of 2 per cent of 62 per cent of the total amount of the taxes levied by it in 1998 for school purposes in territory without municipal organization.

4. If An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, deduct the total of the amounts paid as rebates by the isolate board under section 257.2.1 of the Act in the short year.

(3) Amounts paid by the Minister to the isolate board in respect of the 1998 calendar year under section 257.11 of the Act shall be deemed to be amounts distributed to the board in respect of the 1998 calendar year under a provision of the Act referred to in subparagraph i of paragraph 1 of subsection (2).

2. Si, pendant l'année abrégée, le conseil secondé reçoit tout ou partie des recettes liées à un poste de dépenses de compétence commune directement plutôt que par le biais du conseil désigné rattaché à l'ancien conseil, ajouter les sommes qui figurent en regard de ces postes dans la colonne intitulée «Part Langue Française», dans la formule de répartition des dépenses réelles de 1997 de l'ancien conseil.

3. Multiplier par 0,62.

4. Multiplier par le facteur de redressement de l'effectif de la part de langue française de l'ancien conseil, calculé aux termes de l'article 14.

#### PARTIE IV SUBVENTIONS EN FAVEUR DES ADMINISTRATIONS SCOLAIRES

##### SUBVENTIONS EN FAVEUR DES CONSEILS ISOLÉS

25. (1) Pour l'application du présent article, constituent des dépenses approuvées d'un conseil isolé les dépenses que le ministre juge acceptables selon la formule de calcul des subventions réelles de l'année abrégée du conseil.

(2) Pour l'application du présent article, les recettes fiscales de l'année abrégée du conseil isolé sont calculées de la manière suivante :

1. Additionner ce qui suit :

- i. le total des sommes remises au conseil isolé à l'égard de l'année civile 1998 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,
- ii. les sommes éventuelles que le conseil isolé reçoit à l'égard de l'année civile 1998 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,
- iii. le total des paiements tenant lieu d'impôts remis au conseil isolé à l'égard de l'année civile 1998 en vertu du paragraphe 371.1 (1) de la *Loi sur les municipalités*,
- iv. le total des sommes éventuelles que le conseil isolé reçoit à l'égard de l'année civile 1998 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles.

2. Multiplier par 0,62.

3. Déduire le coût de la perception des impôts scolaires dans un territoire non érigé en municipalité, qu'a engagé le conseil isolé pendant l'année abrégée, jusqu'à concurrence de 2 pour cent de 62 pour cent du total des impôts scolaires qu'il a prélevés en 1998 dans un tel territoire.

4. En cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, déduire le total des remises que le conseil isolé accorde aux termes de l'article 257.2.1 de la Loi pendant l'année abrégée.

(3) Les sommes que le ministre verse au conseil isolé à l'égard de l'année civile 1998 aux termes de l'article 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 1998 aux termes d'une disposition de la Loi visée à la sous-disposition i de la disposition 1 du paragraphe (2).

(4) Paragraph 3 of subsection (2) shall not be interpreted to preclude including in the isolate board's approved expenditure an amount on account of the costs incurred in the short year by the board in collecting taxes for school purposes in territory without municipal organization, where those costs exceed the amount deducted under paragraph 3 of subsection (2).

(5) Where the approved expenditure of an isolate board exceeds the board's short year tax revenue, the board shall be paid a grant equal to the excess.

#### GRANTS TO SECTION 68 BOARDS

26. (1) For the purposes of this section, the cost of operating of a section 68 board for the short year shall be determined as follows:

1. Take the expenditure of the board for the short year that is acceptable to the Minister for grant purposes, excluding,
  - i. expenditures for debt charges,
  - ii. expenditures for the purchase of capital assets within the meaning of section 23,
  - iii. expenditures for the restoration of destroyed or damaged capital assets, and
  - iv. provisions for reserves for working funds and provisions for reserve funds.
2. Deduct any transfers from reserves for working funds or from reserve funds made during the short year.
3. Deduct the revenue of the board for the short year, not including revenue from,
  - i. legislative grants,
  - ii. an organization on whose property a school of the board is located, and
  - iii. refunds of expenditure of the kind described in subparagraph i, ii or iii of paragraph 1.

(2) A section 68 board shall be paid a grant equal to the sum of,

- (a) 80 per cent of the salaries of teachers, temporary teachers and teacher assistants employed by the board during the short year;
- (b) 80 per cent of the expenditure of the board for the short year approved by the Minister for grant purposes for daily transportation of pupils and for board, lodging and weekly transportation of pupils; and
- (c) 50 per cent of the excess of,

(i) the cost of operating for the board for the short year,

over,

(ii) the board's expenditure for the short year for,

- a. salaries of teachers, temporary teachers and teacher assistants,
- b. daily transportation of pupils, and
- c. board, lodging and weekly transportation of pupils.

(4) La disposition 3 du paragraphe (2) ne doit pas être interprétée de façon à empêcher l'inclusion, dans les dépenses approuvées du conseil isolé, des frais de perception des impôts scolaires dans un territoire non érigé en municipalité qu'il a engagés pendant l'année abrégée si ces frais sont supérieurs à la somme déduite aux termes de cette disposition.

(5) Le conseil isolé dont les dépenses approuvées sont supérieures à ses recettes fiscales de l'année abrégée reçoit une subvention égale à cet excédent.

#### SUBVENTIONS EN FAVEUR DES CONSEILS CRÉÉS EN VERTU DE L'ARTICLE 68

26. (1) Pour l'application du présent article, le coût du fonctionnement du conseil créé en vertu de l'article 68 pendant l'année abrégée est calculé de la manière suivante :

1. Prendre les dépenses de l'année abrégée du conseil que le ministre juge acceptables aux fins des subventions, à l'exclusion de ce qui suit :
  - i. les dépenses liées au service de la dette,
  - ii. les dépenses liées à l'acquisition d'immobilisations au sens de l'article 23,
  - iii. les dépenses liées à la restauration d'immobilisations détruites ou endommagées,
  - iv. les provisions pour réserves pour fonds de roulement et celles pour fonds de réserve.
2. Déduire les sommes virées des réserves pour fonds de roulement ou des fonds de réserve pendant l'année abrégée.
3. Déduire les recettes de l'année abrégée du conseil, à l'exclusion des recettes provenant de ce qui suit :
  - i. les subventions générales,
  - ii. un organisme sur le bien duquel se trouve une école du conseil,
  - iii. les remboursements de dépenses du genre visé à la sous-disposition i, ii ou iii de la disposition 1.

(2) Le conseil créé en vertu de l'article 68 reçoit une subvention égale à la somme de ce qui suit :

- a) 80 pour cent des salaires des enseignants, des enseignants temporaires et des aide-enseignants qu'il emploie pendant l'année abrégée;
- b) 80 pour cent des dépenses de l'année abrégée du conseil que le ministre a approuvées aux fins des subventions au titre du transport quotidien ou des frais de nourriture, des frais de logement et du transport hebdomadaire d'élèves;
- c) 50 pour cent de l'excédent :

(i) du coût du fonctionnement du conseil pendant l'année abrégée,

sur :

(ii) les dépenses de l'année abrégée du conseil au titre de ce qui suit :

- a. les salaires des enseignants, des enseignants temporaires et des aide-enseignants,
- b. le transport quotidien d'élèves,
- c. les frais de nourriture et de logement ainsi que le transport hebdomadaire d'élèves.

**PART V  
PAYMENTS TO GOVERNING AUTHORITIES**

**27. In this Part,**

“Crown establishment” means an establishment maintained by a Department of the Government of Canada, a federal Crown company, The Royal Canadian Mounted Police or Atomic Energy of Canada Limited, on lands held by the Crown in right of Canada that are not assessable for school purposes, and includes a reserve as defined in the *Indian Act* (Canada).

**28. (1)** This section applies where a pupil who is not resident in a Crown establishment,

- (a) resides in a territorial district on land that is not part of a school section or separate school zone and attends an elementary school supported by local taxation in Manitoba or Quebec; or
- (b) resides in a territorial district on land that is not part of a secondary school district and attends a secondary school supported by local taxation in Manitoba or Quebec.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

**29. (1)** This section applies where,

- (a) a pupil who resides in a territorial district is resident in a school section, separate school zone or a Crown establishment and attends an elementary school supported by local taxation in Manitoba or Quebec; and
- (b) the Minister is of the opinion that,
  - (i) daily transportation to the elementary school in Ontario that the pupil would be required to attend is impracticable due to distance and terrain, and
  - (ii) the provision of board, lodging and weekly transportation is impracticable because of the age or handicap of the pupil.

(2) The Minister shall pay the governing authority of the elementary school attended by the pupil the amount agreed on between the governing authority and the Minister.

**30. (1)** This section applies where a pupil who resides in a territorial district,

- (a) is not resident in a school section, a separate school zone or a Crown establishment; and
- (b) attends a school on a reserve that is operated by,
  - (i) the Crown in right of Canada, or
  - (ii) a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

**PARTIE V  
PAIEMENTS VERSÉS À DES ADMINISTRATIONS  
RESPONSABLES**

**27. La définition qui suit s'applique à la présente partie.**

«établissement de la Couronne» Établissement que fait fonctionner un ministère du gouvernement du Canada, une société d'État fédérale, la Gendarmerie royale du Canada ou Énergie atomique du Canada limitée sur des biens-fonds que détient la Couronne du chef du Canada et qui ne peuvent faire l'objet d'une évaluation aux fins scolaires. S'entend en outre des réserves au sens de la *Loi sur les Indiens* (Canada).

**28. (1)** Le présent article s'applique si l'élève qui n'est pas résident d'un établissement de la Couronne :

- a) soit réside dans un district territorial sur un bien-fonds qui ne fait pas partie d'une circonscription scolaire ni d'une zone d'écoles séparées et fréquente une école élémentaire du Manitoba ou du Québec soutenue par des impôts locaux;
- b) soit réside dans un district territorial sur un bien-fonds qui ne fait pas partie d'un district d'écoles secondaires et fréquente une école secondaire du Manitoba ou du Québec soutenue par des impôts locaux.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.

**29. (1)** Le présent article s'applique si les conditions suivantes sont réunies :

- a) l'élève qui réside dans un district territorial est résident d'une circonscription scolaire, d'une zone d'écoles séparées ou d'un établissement de la Couronne et fréquente une école élémentaire du Manitoba ou du Québec soutenue par des impôts locaux;
- b) le ministre est d'avis que :
  - (i) d'une part, le transport quotidien de l'élève entre sa résidence et l'école élémentaire ontarienne qu'il serait tenu de fréquenter est impossible en raison de la distance ou de la topographie,
  - (ii) d'autre part, la fourniture de nourriture, de logement et de transport hebdomadaire à l'élève est impossible en raison de son âge ou de son handicap.

(2) Le ministre verse à l'administration responsable de l'école élémentaire que fréquente l'élève la somme convenue d'un commun accord.

**30. (1)** Le présent article s'applique si l'élève qui réside dans un district territorial réunit les conditions suivantes :

- a) il n'est pas résident d'une circonscription scolaire, ni d'une zone d'écoles séparées, ni d'un établissement de la Couronne;
- b) il fréquente une école d'une réserve qui relève :
  - (i) soit de la Couronne du chef du Canada,
  - (ii) soit d'une bande, du conseil d'une bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.

TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
	Public old board/Ancien conseil public	
1.	BRANT COUNTY BOARD OF EDUCATION	501 463
2.	BRUCE COUNTY BOARD OF EDUCATION	540 458
3.	CARLETON BOARD OF EDUCATION	3 830 971
4.	CENTRAL ALGOMA BOARD OF EDUCATION	106 603
5.	COCHRANE-IROQUOIS FALLS, BLACK RIVER MATHESON BOARD OF EDUCATION	323 339
6.	DUFFERIN COUNTY BOARD OF EDUCATION	480 678
7.	DURHAM BOARD OF EDUCATION	3 451 323
8.	EAST PARRY SOUND BOARD OF EDUCATION	249 018
9.	ELGIN COUNTY BOARD OF EDUCATION	0
10.	ESSEX COUNTY BOARD OF EDUCATION	1 207 639
11.	FRONTENAC COUNTY BOARD OF EDUCATION	496 340
12.	GREY COUNTY BOARD OF EDUCATION	772 829
13.	HALDIMAND BOARD OF EDUCATION	476 079
14.	HALTON BOARD OF EDUCATION	543 276
15.	HAMILTON BOARD OF EDUCATION	994 958
16.	HASTINGS COUNTY BOARD OF EDUCATION	0
17.	HEARST BOARD OF EDUCATION	12 780
18.	HURON COUNTY BOARD OF EDUCATION	0
19.	EDUCATION/CONSEIL DE L'ÉDUCATION DE KAPUSKASING-SMOOTH ROCK FALLS ET DE SON DISTRICT	56 400
20.	KENORA BOARD OF EDUCATION	643 270
21.	KENT COUNTY BOARD OF EDUCATION	33 871
22.	KIRKLAND LAKE BOARD OF EDUCATION	39 967
23.	LAKEHEAD BOARD OF EDUCATION	594 283
24.	LAMBTON COUNTY BOARD OF EDUCATION	1 027 473
25.	LANARK COUNTY BOARD OF EDUCATION	525 890



TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
26.	LEEDS AND GRENVILLE COUNTY BOARD OF EDUCATION	908 434
27.	LENNOX AND ADDINGTON COUNTY BOARD OF EDUCATION	644 380
28.	LINCOLN COUNTY BOARD OF EDUCATION	0
29.	LONDON BOARD OF EDUCATION	0
30.	METRO TORONTO BOARD OF EDUCATION	40 313 015
31.	MIDDLESEX COUNTY BOARD OF EDUCATION	0
32.	MUSKOKA BOARD OF EDUCATION	2 534 676
33.	NIAGARA SOUTH BOARD OF EDUCATION/CONSEIL SCOLAIRE DE NIAGARA SUD	0
34.	NIPISSING BOARD OF EDUCATION	0
35.	NORFOLK BOARD OF EDUCATION	263 018
36.	NORTHUMBERLAND & CLARINGTON BOARD OF EDUCATION	0
37.	OTTAWA BOARD OF EDUCATION	4 282 775
38.	CONSEIL DES ÉCOLES PUBLIQUES D'OTTAWA-CARLETON	243 027
39.	OXFORD COUNTY BOARD OF EDUCATION	93 019
40.	PEEL BOARD OF EDUCATION	12 907 956
41.	PERTH COUNTY BOARD OF EDUCATION	0
42.	PETERBOROUGH COUNTY BOARD OF EDUCATION	0
43.	PRESCOTT AND RUSSELL COUNTY BOARD OF EDUCATION	188 381
44.	PRINCE EDWARD COUNTY BOARD OF EDUCATION	204 688
45.	RENFREW COUNTY BOARD OF EDUCATION	597 595
46.	SAULT STE MARIE BOARD OF EDUCATION	595 365
47.	STORMONT, DUNDAS & GLENGARRY COUNTY BOARD OF EDUCATION	517 310
48.	SUDBURY BOARD OF EDUCATION	950 266
49.	TIMISKAMING BOARD OF EDUCATION	25 427
50.	TIMMINS BOARD OF EDUCATION	231 429
51.	VICTORIA COUNTY BOARD OF EDUCATION	0

TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
52.	WATERLOO COUNTY BOARD OF EDUCATION	4 151 389
53.	WELLINGTON COUNTY BOARD OF EDUCATION	0
54.	WENTWORTH COUNTY BOARD OF EDUCATION	1 668 954
55.	WINDSOR BOARD OF EDUCATION	1 701 116
56.	YORK REGION BOARD OF EDUCATION	0
	Separate old board /Ancien conseil séparé	
57.	BRANT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE BRANT	196 373
58.	BRUCE-GREY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	172 432
59.	CARLETON ROMAN CATHOLIC SEPARATE SCHOOL BOARD	1 129 288
60.	CHAPLEAU DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
61.	COCHRANE, IROQUOIS FALLS/ BLACK RIVER MATHESON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	67 998
62.	DRYDEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	10 295
63.	DUFFERIN PEEL ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE DUFFERIN & PEEL	8 510 093
64.	DURHAM REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE DURHAM	982 708
65.	ELGIN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
66.	ESSEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ D'ESSEX	793 507
67.	FORT FRANCES-RAINY RIVER DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	2 979
68.	FRONTENAC-LENNOX-ADDINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	349 349
69.	GERALDTON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE GERALDTON	10 878
70.	HALDIMAND-NORFOLK COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE HALDIMAND-NORFOLK	221 553



TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
71.	HALTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES CATHOLIQUES DE HALTON	1 209 133
72.	HAMILTON-WENTWORTH ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DE HAMILTON-WENTWORTH	844 267
73.	HASTINGS-PRINCE EDWARD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
74.	HEARST DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	52 881
75.	HURON-PERTH COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	87 719
76.	KAPUSKASING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KAPUSKASING	141 935
77.	KENORA DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
78.	KENT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE KENT	313 216
79.	KIRKLAND LAKE-TIMISKAMING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KIRKLAND LAKE - TIMISKAMING	94 597
80.	LAKEHEAD DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE LAKEHEAD	457 171
81.	LAMBTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE LAMBTON	391 418
82.	LANARK-LEEDS-GRENVILLE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	225 099
83.	LINCOLN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE LINCOLN	0
84.	LONDON-MIDDLESEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DE LONDON ET DU COMTÉ DE MIDDLESEX	0
85.	METROPOLITAN SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU GRAND TORONTO	9 625 081
86.	MICHIPICTEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	12 571
87.	NIPISSING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	349 177

TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
88.	NORTH OF SUPERIOR DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT SUPÉRIEUR NORD	47 821
89.	NORTH SHORE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	206 757
90.	CONSEIL DES ÉCOLES CATHOLIQUES DE LANGUE FRANÇAISE DE LA RÉGION D'OTTAWA-CARLETON	1 015 050
91.	OTTAWA ROMAN CATHOLIC SEPARATE SCHOOL BOARD	963 275
92.	OXFORD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DU COMTÉ D'OXFORD	12 722
93.	PETERBOROUGH, VICTORIA, NORTHUMBERLAND & CLARINGTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
94.	PRESCOTT-RUSSELL COUNTY ROMAN CATHOLIC ENGLISH LANGUAGE SEPARATE SCHOOL BOARD	69 901
95.	CONSEIL DES ÉCOLES CATHOLIQUES DE LANGUE FRANÇAISE DE PRESCOTT-RUSSELL	372 836
96.	RENFREW COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
97.	SAULT STE MARIE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	312 568
98.	SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	0
99.	STORMONT, DUNDAS AND GLENGARRY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DES COMTÉS DE STORMONT, DUNDAS ET GLENGARRY	395 823
100.	SUDBURY DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE SUDBURY	770 947
101.	TIMMINS DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE TIMMINS	261 147
102.	WATERLOO COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE WATERLOO	1 112 046
103.	WELLAND COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD /CONSEIL SCOLAIRE DES ÉCOLES CATHOLIQUES ROMAINES DU COMTÉ DE WELLAND	0
104.	WELLINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE WELLINGTON	377 455

TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
105.	WINDSOR ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DE L'ÉDUCATION CATHOLIQUE DE WINDSOR	964 980
106.	YORK REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE YORK	0
	Public old board - In unextended areas/Ancien conseil public - dans les secteurs ayant parachevé	
107.	ATIKOKAN BOARD OF EDUCATION	
108.	elementary/élémentaire	0
109.	secondary/secondaire	218 001
110.	BEARDMORE, GERALDTON, LONGLAC & AREA BOARD OF EDUCATION/CONSEIL DE L'ÉDUCATION DE BEARDMORE, DE GERALDTON, DE LONGLAC ET DES ENVIRONS	
111.	elementary/élémentaire	32 996
112.	secondary/secondaire	27 915
113.	CHAPLEAU BOARD OF EDUCATION	
114.	elementary/élémentaire	0
115.	secondary/secondaire	31 452
116.	DRYDEN BOARD OF EDUCATION	
117.	elementary/élémentaire	56 632
118.	secondary/secondaire	26 278
119.	ESPANOLA BOARD OF EDUCATION	
120.	elementary/élémentaire	40 917
121.	secondary/secondaire	269 428
122.	FORT FRANCES-RAINY RIVER BOARD OF EDUCATION	
123.	elementary/élémentaire	0
124.	secondary/secondaire	149 254
125.	HALIBURTON COUNTY BOARD OF EDUCATION	
126.	elementary/élémentaire	2 354
127.	secondary/secondaire	76 507
128.	HORNEPAYNE BOARD OF EDUCATION	
129.	elementary/élémentaire	21 640

TABLE 1/TABLEAU 1

Item/Point	Name of old board/Nom de l'ancien conseil	Maximum eligible amount/Somme maximale admissible \$
130.	secondary/secondaire	3 012
131.	LAKE SUPERIOR BOARD OF EDUCATION/CONSEIL SCOLAIRE DU LAC SUPÉRIEUR	
132.	elementary/élémentaire	57 521
133.	secondary/secondaire	62 107
134.	MANITOULIN BOARD OF EDUCATION	
135.	elementary/élémentaire	130 713
136.	secondary/secondaire	0
137.	MICHIPICOTEN BOARD OF EDUCATION	
138.	elementary/élémentaire	50 995
139.	secondary/secondaire	96 703
140.	NIPIGON-RED ROCK BOARD OF EDUCATION	
141.	elementary/élémentaire	45 044
142.	secondary/secondaire	68 776
143.	NORTH SHORE BOARD OF EDUCATION	
144.	elementary/élémentaire	78 940
145.	secondary/secondaire	0
146.	RED LAKE BOARD OF EDUCATION	
147.	elementary/élémentaire	0
148.	secondary/secondaire	228 640
149.	SIMCOE COUNTY BOARD OF EDUCATION	
150.	elementary/élémentaire	0
151.	secondary/secondaire	0
152.	WEST PARRY SOUND BOARD OF EDUCATION	
153.	elementary/élémentaire	0
154.	secondary/secondaire	441 687

**TABLE 2 - 1998/TABLEAU 2 - 1998**

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
1.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	COCHRANE-IROQUOIS FALLS, BLACK RIVER-MATHESON BOARD OF EDUCATION	81.884%	70.950%	98.716%
2.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	HEARST BOARD OF EDUCATION	77.112%	63.339%	98.380%
3.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	KAPUSKASING-SMOOTH ROCK FALLS BOARD OF EDUCATION/ CONSEIL DE L'ÉDUCATION DE KAPUSKASING-SMOOTH ROCK FALLS ET DE SON DISTRICT	72.924%	58.630%	98.083%
4.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	KIRKLAND LAKE BOARD OF EDUCATION	84.300%	74.852%	98.888%
5.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	TIMISKAMING BOARD OF EDUCATION	77.573%	64.077%	98.412%
6.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 1	TIMMINS BOARD OF EDUCATION	79.293%	66.832%	98.534%
7.	ALGOMA DISTRICT SCHOOL BOARD	CENTRAL ALGOMA BOARD OF EDUCATION	83.742%	73.958%	98.649%
8.	ALGOMA DISTRICT SCHOOL BOARD	CHAPLEAU BOARD OF EDUCATION	82.893%	72.605%	97.302%
9.	ALGOMA DISTRICT SCHOOL BOARD	HORNEPAYNE BOARD OF EDUCATION	84.071%	74.487%	98.280%
10.	ALGOMA DISTRICT SCHOOL BOARD	MICHIPICOTEN BOARD OF EDUCATION	71.584%	54.492%	98.492%
11.	ALGOMA DISTRICT SCHOOL BOARD	NORTH SHORE BOARD OF EDUCATION	84.899%	75.814%	98.062%
12.	ALGOMA DISTRICT SCHOOL BOARD	SAULT STE MARIE BOARD OF EDUCATION	75.356%	60.526%	98.255%
13.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 3	ESPANOLA BOARD OF EDUCATION	78.304%	62.051%	97.359%
14.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 3	MANITOULIN BOARD OF EDUCATION	71.558%	54.442%	97.067%
15.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 3	SUDBURY BOARD OF EDUCATION	76.302%	62.041%	98.322%
16.	NEAR NORTH DISTRICT SCHOOL BOARD	EAST PARRY SOUND BOARD OF EDUCATION	78.827%	62.983%	98.359%
17.	NEAR NORTH DISTRICT SCHOOL BOARD	NIPISSING BOARD OF EDUCATION	79.558%	67.257%	98.553%
18.	NEAR NORTH DISTRICT SCHOOL BOARD	WEST PARRY SOUND BOARD OF EDUCATION	53.530%	25.567%	94.995%
19.	KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD	DRYDEN BOARD OF EDUCATION	74.318%	58.863%	97.199%
20.	KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD	KENORA BOARD OF EDUCATION	68.763%	48.763%	97.647%

TABLE 2 - 1998/TABLEAU 2 - 1998

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
21.	KEEWATIN-PATRICIA DISTRICT SCHOOL BOARD	RED LAKE BOARD OF EDUCATION	82.548%	72.044%	96.072%
22.	RAINY RIVER DISTRICT SCHOOL BOARD	ATIKOKAN BOARD OF EDUCATION	83.831%	74.263%	97.904%
23.	RAINY RIVER DISTRICT SCHOOL BOARD	FORT FRANCES-RAINY RIVER BOARD OF EDUCATION	77.813%	64.624%	97.584%
24.	LAKEHEAD DISTRICT SCHOOL BOARD	LAKEHEAD BOARD OF EDUCATION	71.425%	54.230%	97.977%
25.	SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD	BEARDMORE, GERALDTON, LONGLAC & AREA BOARD OF EDUCATION/CONSEIL DE L'ÉDUCATION DE BEARDMORE, DE GERALDTON, DE LONGLAC ET DES ENVIRONS	78.908%	68.060%	97.348%
26.	SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD	LAKE SUPERIOR BOARD OF EDUCATION/CONSEIL SCOLAIRE DU LAC SUPÉRIEUR	77.900%	64.605%	97.808%
27.	SUPERIOR-GREENSTONE DISTRICT SCHOOL BOARD	NIPIGON-RED ROCK BOARD OF EDUCATION	76.856%	62.934%	97.379%
28.	BLUEWATER DISTRICT SCHOOL BOARD	BRUCE COUNTY BOARD OF EDUCATION	78.008%	64.774%	96.443%
29.	BLUEWATER DISTRICT SCHOOL BOARD	GREY COUNTY BOARD OF EDUCATION	74.551%	59.237%	96.186%
30.	AVON MAITLAND DISTRICT SCHOOL BOARD	HURON COUNTY BOARD OF EDUCATION	77.006%	63.170%	96.372%
31.	AVON MAITLAND DISTRICT SCHOOL BOARD	PERTH COUNTY BOARD OF EDUCATION	73.888%	58.174%	96.151%
32.	GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD	ESSEX COUNTY BOARD OF EDUCATION	76.721%	62.713%	96.352%
33.	GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD	BOARD OF EDUCATION FOR THE CITY OF WINDSOR	70.364%	52.529%	97.902%
34.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 10	KENT COUNTY BOARD OF EDUCATION	77.588%	64.101%	96.413%
35.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 10	LAMBTON COUNTY BOARD OF EDUCATION/CONSEIL DE L'ÉDUCATION DU COMTÉ DE LAMBTON	73.096%	56.907%	96.085%
36.	THAMES VALLEY DISTRICT SCHOOL BOARD	ELGIN COUNTY BOARD OF EDUCATION	79.333%	66.896%	96.537%
37.	THAMES VALLEY DISTRICT SCHOOL BOARD	BOARD OF EDUCATION FOR THE CITY OF LONDON/LE CONSEIL DE L'ÉDUCATION DE LA VILLE DE LONDON	70.748%	53.145%	97.929%
38.	THAMES VALLEY DISTRICT SCHOOL BOARD	MIDDLESEX COUNTY BOARD OF EDUCATION	77.653%	64.205%	96.418%
39.	THAMES VALLEY DISTRICT SCHOOL BOARD	OXFORD COUNTY BOARD OF EDUCATION	74.079%	58.480%	96.165%
40.	TORONTO DISTRICT SCHOOL BOARD	METROPOLITAN TORONTO SCHOOL BOARD	43.066%	8.805%	95.969%

TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Poste	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/Colonne 3	Column 4/Colonne 4	Column 5/Colonne 5
	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
41.	DURHAM DISTRICT SCHOOL BOARD	DURHAM BOARD OF EDUCATION	74.576%	59.278%	98.200%
42.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 14	NORTHUMBERLAND & CLARINGTON BOARD OF EDUCATION	77.845%	64.674%	98.439%
43.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 14	PETERBOROUGH COUNTY BOARD OF EDUCATION	68.740%	49.829%	97.787%
44.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 15	HALIBURTON COUNTY BOARD OF EDUCATION	49.937%	19.810%	94.808%
45.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 15	MUSKOKA BOARD OF EDUCATION	48.687%	17.825%	96.368%
46.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 15	VICTORIA COUNTY BOARD OF EDUCATION	74.148%	58.591%	98.170%
47.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 16	YORK REGION BOARD OF EDUCATION	55.430%	28.609%	96.845%
48.	SIMCOE COUNTY DISTRICT SCHOOL BOARD	SIMCOE COUNTY BOARD OF EDUCATION	71.999%	55.149%	97.032%
49.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 18	DUFFERIN COUNTY BOARD OF EDUCATION	78.853%	66.128%	98.503%
50.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 18	WELLINGTON COUNTY BOARD OF EDUCATION	71.817%	54.858%	98.005%
51.	PEEL DISTRICT SCHOOL BOARD	PEEL BOARD OF EDUCATION	59.615%	35.313%	97.141%
52.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 20	HALTON BOARD OF EDUCATION	61.389%	38.154%	97.268%
53.	HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD	BOARD OF EDUCATION FOR THE CITY OF HAMILTON/CONSEIL DE L'ÉDUCATION DE LA VILLE DE HAMILTON	69.510%	51.162%	97.841%
54.	HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD	WENTWORTH COUNTY BOARD OF EDUCATION	72.067%	55.258%	98.022%
55.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 22	LINCOLN COUNTY BOARD OF EDUCATION	71.930%	55.038%	98.013%
56.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 22	NIAGARA SOUTH BOARD OF EDUCATION/CONSEIL SCOLAIRE DE NIAGARA SUD	73.106%	56.922%	98.096%
57.	GRAND ERIE DISTRICT SCHOOL BOARD	BRANT COUNTY BOARD OF EDUCATION	76.010%	61.573%	98.302%
58.	GRAND ERIE DISTRICT SCHOOL BOARD	HALDIMAND BOARD OF EDUCATION	76.216%	61.904%	98.316%
59.	GRAND ERIE DISTRICT SCHOOL BOARD	NORFOLK BOARD OF EDUCATION	79.649%	67.402%	98.559%
60.	WATERLOO REGION DISTRICT SCHOOL BOARD	WATERLOO COUNTY BOARD OF EDUCATION	73.008%	58.763%	98.089%

TABLE 2 - 1998/TABLEAU 2 - 1998

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
61.	OTTAWA-CARLETON DISTRICT SCHOOL BOARD	CARLETON BOARD OF EDUCATION	74.234%	58.729%	98.176%
62.	OTTAWA-CARLETON DISTRICT SCHOOL BOARD	OTTAWA BOARD OF EDUCATION	45.120%	12.095%	98.115%
63.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 26	LANARK COUNTY BOARD OF EDUCATION	79.078%	66.488%	98.518%
64.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 26	LEEDS AND GRENVILLE COUNTY BOARD OF EDUCATION	73.157%	57.004%	98.100%
65.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 26	PRESCOTT AND RUSSELL COUNTY BOARD OF EDUCATION	98.186%	77.876%	99.022%
66.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 26	STORMONT, DUNDAS & GLENGARRY COUNTY BOARD OF EDUCATION	79.678%	67.449%	98.561%
67.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 27	FRONTENAC COUNTY BOARD OF EDUCATION	71.893%	54.978%	98.010%
68.	ENGLISH-LANGUAGE PUBLIC DISTRICT SCHOOL BOARD No. 27	LENNOX AND ADDINGTON COUNTY BOARD OF EDUCATION	79.818%	67.673%	98.571%
69.	RENFREW COUNTY DISTRICT SCHOOL BOARD	RENFREW COUNTY BOARD OF EDUCATION	77.946%	64.674%	98.439%
70.	HASTINGS AND PRINCE EDWARD DISTRICT SCHOOL BOARD	HASTINGS COUNTY BOARD OF EDUCATION	75.521%	60.791%	98.267%
71.	HASTINGS AND PRINCE EDWARD DISTRICT SCHOOL BOARD	PRINCE EDWARD COUNTY BOARD OF EDUCATION	75.575%	60.878%	98.271%
72.	NORTHEASTERN CATHOLIC DISTRICT SCHOOL BOARD	COCHRANE, IROQUOIS FALLS/BLACK RIVER- MATHESON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.675%	75.452%	98.915%
73.	NORTHEASTERN CATHOLIC DISTRICT SCHOOL BOARD	HEARST DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.366%	74.958%	98.893%
74.	NORTHEASTERN CATHOLIC DISTRICT SCHOOL BOARD	KAPUSKASING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KAPUSKASING	82.526%	72.011%	98.763%
75.	NORTHEASTERN CATHOLIC DISTRICT SCHOOL BOARD	KIRKLAND LAKE-TIMISKAMING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KIRKLAND LAKE - TIMISKAMING	91.397%	96.218%	98.391%
76.	NORTHEASTERN CATHOLIC DISTRICT SCHOOL BOARD	TIMMINS DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE TIMMINS	80.819%	68.277%	98.642%
77.	NIPISSING-PARRY SOUND CATHOLIC DISTRICT SCHOOL BOARD	NIPISSING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.724%	73.929%	98.848%
78.	HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD	CHAPLEAU DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	91.494%	98.367%	N/A
79.	HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD	MICHIPICOTEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.504%	73.561%	N/A
80.	HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD	NORTH SHORE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	88.220%	91.120%	N/A



TABLE 2 - 1998/TABLEAU 2 - 1998

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
81.	HURON-SUPERIOR CATHOLIC DISTRICT SCHOOL BOARD	SAULT STE MARIE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	79.712%	67.503%	98.584%
82.	SUDBURY CATHOLIC DISTRICT SCHOOL BOARD	SUDBURY DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE SUDBURY	81.894%	70.998%	98.718%
83.	NORTHWEST CATHOLIC DISTRICT SCHOOL BOARD	DRYDEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.728%	75.522%	N/A
84.	NORTHWEST CATHOLIC DISTRICT SCHOOL BOARD	FORT FRANCES-RAINY RIVER DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	87.819%	80.156%	N/A
85.	KENORA CATHOLIC DISTRICT SCHOOL BOARD	KENORA DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.998%	74.368%	98.867%
86.	SUPERIOR NORTH CATHOLIC DISTRICT SCHOOL BOARD	GERALDTON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE GERALDTON	98.353%	81.332%	N/A
87.	SUPERIOR NORTH CATHOLIC DISTRICT SCHOOL BOARD	NORTH OF SUPERIOR DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT SUPÉRIEUR NORD	81.044%	69.819%	N/A
88.	THUNDER BAY CATHOLIC DISTRICT SCHOOL BOARD	LAKEHEAD DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE LAKEHEAD	80.133%	68.177%	98.593%
89.	BRUCE-GREY CATHOLIC DISTRICT SCHOOL BOARD	BRUCE-GREY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.745%	77.167%	98.981%
90.	HURON PERTH CATHOLIC DISTRICT SCHOOL BOARD	HURON-PERTH COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.421%	75.046%	98.897%
91.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 37	ESSEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ D'ESSEX	84.604%	75.339%	98.910%
92.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 37	WINDSOR ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DE L'ÉDUCATION CATHOLIQUE DE WINDSOR	79.706%	67.494%	98.563%
93.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 38	ELGIN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.645%	73.803%	98.842%
94.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 38	LONDON AND MIDDLESEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DE LONDON ET DU COMTÉ DE MIDDLESEX	81.530%	70.418%	98.692%
95.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 38	OXFORD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DU COMTÉ D'OXFORD	82.993%	72.758%	98.796%
96.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 39	KENT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE KENT	86.053%	77.681%	99.013%
97.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 39	LAMBTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE LAMBTON	83.132%	72.982%	98.806%
98.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 40	METROPOLITAN SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU GRAND TORONTO	67.864%	48.205%	97.711%
99.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 41	PETERBOROUGH, VICTORIA, NORTHUMBERLAND & CLARINGTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.431%	78.864%	98.999%
100.	YORK CATHOLIC DISTRICT SCHOOL BOARD	YORK REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE YORK	75.559%	60.851%	98.270%

TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Point	Column 1/Colonne 1 District School Board/Conseil scolaire de district	Column 2/Colonne 2 Old Board Name/Nom de l'ancien conseil	Column 3/ Colonne 3 Non-Growth projects/ Projets non liés à la croissance	Column 4/ Colonne 4 Growth projects/ Projets liés à la croissance	Column 5/ Colonne 5 French language secondary school projects/Projets visant les écoles secondaires de langue française
101.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 43	DUFFERIN PEEL ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE DUFFERIN & PEEL	80.008%	87.974%	98.584%
102.	SIMCOE MUSKOKA CATHOLIC DISTRICT SCHOOL BOARD	SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.859%	74.147%	98.857%
103.	DURHAM CATHOLIC DISTRICT SCHOOL BOARD	DURHAM REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE DURHAM	83.579%	73.698%	98.837%
104.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 46	HALTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DE HALTON	78.052%	64.845%	98.446%
105.	HAMILTON-WENTWORTH CATHOLIC DISTRICT SCHOOL BOARD	HAMILTON-WENTWORTH ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DE HAMILTON-WENTWORTH	77.833%	64.493%	98.431%
106.	WELLINGTON CATHOLIC DISTRICT SCHOOL BOARD	WELLINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE WELLINGTON	80.507%	68.777%	98.820%
107.	WATERLOO CATHOLIC DISTRICT SCHOOL BOARD	WATERLOO COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE WATERLOO	83.008%	72.783%	98.797%
108.	NIAGARA CATHOLIC DISTRICT SCHOOL BOARD	LINCOLN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE LINCOLN	82.361%	71.746%	98.751%
109.	NIAGARA CATHOLIC DISTRICT SCHOOL BOARD	WELLAND COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD / CONSEIL SCOLAIRE DES ÉCOLES CATHOLIQUES ROMAINES DU COMTÉ DE WELLAND	81.883%	70.981%	98.717%
110.	BRANT/HALDIMAND-NORFOLK CATHOLIC DISTRICT SCHOOL BOARD	BRANT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE BRANT	86.854%	78.622%	99.055%
111.	BRANT/HALDIMAND-NORFOLK CATHOLIC DISTRICT SCHOOL BOARD	HALDIMAND-NORFOLK COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE HALDIMAND-NORFOLK	83.018%	72.788%	98.798%
112.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 52	LANARK-LEEDS & GRENVILLE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	86.200%	77.898%	99.023%
113.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 52	PRESCOTT RUSSELL COUNTY ROMAN CATHOLIC ENGLISH- LANGUAGE SEPARATE SCHOOL BOARD	82.430%	71.857%	98.756%
114.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 52	STORMONT, DUNDAS AND GLENGARRY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DES COMTÉS DE STORMONT, DUNDAS ET GLENGARRY	87.213%	79.519%	98.095%
115.	OTTAWA-CARLETON CATHOLIC DISTRICT SCHOOL BOARD	CARLETON ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.606%	78.944%	98.981%
116.	OTTAWA-CARLETON CATHOLIC DISTRICT SCHOOL BOARD	OTTAWA ROMAN CATHOLIC SEPARATE SCHOOL BOARD	87.600%	48.103%	97.706%
117.	RENFREW COUNTY CATHOLIC DISTRICT SCHOOL BOARD	RENFREW COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.158%	78.228%	98.949%
118.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 55	FRONTENAC-LENNOX & ADDINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	82.665%	72.234%	98.773%
119.	ENGLISH-LANGUAGE SEPARATE DISTRICT SCHOOL BOARD No. 55	HASTINGS-PRINCE EDWARD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.151%	78.215%	98.949%
120.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 56	COCHRANE-IROQUOIS FALLS, BLACK RIVER- MATHESON BOARD OF EDUCATION	81.864%	70.950%	98.716%

TABLE 2 - 1998/TABLEAU 2 - 1998

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
121.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	EAST PARRY SOUND BOARD OF EDUCATION	78.827%	62.883%	96.358%
122.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 66	HEARST BOARD OF EDUCATION	77.112%	63.338%	96.380%
123.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	HORNEPAYNE BOARD OF EDUCATION	84.071%	74.487%	96.280%
124.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	KAPUSKASING-SMOOTH ROCK FALLS BOARD OF EDUCATION/ CONSEIL DE L'ÉDUCATION DE KAPUSKASING-SMOOTH ROCK FALLS ET DE SON DISTRICT	72.924%	58.630%	96.083%
125.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	KIRKLAND LAKE BOARD OF EDUCATION	84.300%	74.852%	96.888%
126.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 66	MUSKOKA BOARD OF EDUCATION	48.697%	17.825%	96.388%
127.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	NIPISSING BOARD OF EDUCATION	79.558%	67.257%	96.553%
128.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	TIMISKAMING BOARD OF EDUCATION	77.573%	84.077%	96.412%
129.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	TIMMINS BOARD OF EDUCATION	79.283%	66.832%	96.534%
130.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	WEST PARRY SOUND BOARD OF EDUCATION	53.530%	25.587%	94.995%
131.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	ATIKOKAN BOARD OF EDUCATION	83.931%	74.283%	97.904%
132.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	CENTRAL ALGOMA BOARD OF EDUCATION	83.742%	73.958%	98.849%
133.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	CHAPLEAU BOARD OF EDUCATION	62.893%	72.805%	97.302%
134.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	DRYDEN BOARD OF EDUCATION	74.318%	58.863%	97.198%
135.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	ESPANOLA BOARD OF EDUCATION	78.304%	62.061%	97.358%
136.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	FORT FRANCES-RAINY RIVER BOARD OF EDUCATION	77.813%	64.624%	97.564%
137.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	BEARDMORE, GERALDTON, LONGLAC & AREA BOARD OF EDUCATION/CONSEIL DE L'ÉDUCATION DE BEARDMORE, DE GERALDTON, DE LONGLAC ET DES ENVIRONS	78.808%	66.080%	97.348%
138.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	KENORA BOARD OF EDUCATION	66.763%	46.763%	97.847%
139.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	LAKE SUPERIOR BOARD OF EDUCATION/CONSEIL SCOLAIRE DU LAC SUPÉRIEUR	77.900%	64.805%	97.808%
140.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	LAKEHEAD BOARD OF EDUCATION	71.425%	54.230%	97.977%

TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Point	Column 1/Colonne 1 District School Board/Conseil scolaire de district	Column 2/Colonne 2 Old Board Name/Nom de l'ancien conseil	Column 3/ Colonne 3 Non-Growth projects/ Projets non liés à la croissance	Column 4/ Colonne 4 Growth projects/ Projets liés à la croissance	Column 5/ Colonne 5 French language secondary school projects/Projets visant les écoles secondaires de langue française
141.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	MANITOULIN BOARD OF EDUCATION	71.558%	54.442%	97.067%
142.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	MICHIGICOTEN BOARD OF EDUCATION	71.584%	54.492%	96.492%
143.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	NIPIGON-RED ROCK BOARD OF EDUCATION	76.856%	62.934%	97.379%
144.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	NORTH SHORE BOARD OF EDUCATION	84.899%	75.814%	98.082%
145.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	RED LAKE BOARD OF EDUCATION	82.546%	72.044%	98.072%
146.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	SAULT STE MARIE BOARD OF EDUCATION	75.356%	60.526%	99.255%
147.	CONSEIL SCOLAIRE DE DISTRICT DU GRAND NORD DE L'ONTARIO	SUDBURY BOARD OF EDUCATION	78.302%	82.041%	96.322%
148.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	BRANT COUNTY BOARD OF EDUCATION	78.010%	61.573%	98.302%
149.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	BRUCE COUNTY BOARD OF EDUCATION	78.008%	64.774%	98.443%
150.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	DUFFERIN COUNTY BOARD OF EDUCATION	78.853%	66.128%	98.503%
151.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	DURHAM BOARD OF EDUCATION	74.576%	59.276%	98.200%
152.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	ELGIN COUNTY BOARD OF EDUCATION	78.333%	66.896%	98.537%
153.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	ESSEX COUNTY BOARD OF EDUCATION	78.721%	62.713%	98.352%
154.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	GREY COUNTY BOARD OF EDUCATION	74.551%	59.237%	98.198%
155.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	HALDIMAND BOARD OF EDUCATION	76.216%	81.904%	98.316%
156.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	HALIBURTON COUNTY BOARD OF EDUCATION	49.937%	19.810%	94.808%
157.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	HALTON BOARD OF EDUCATION	61.389%	38.154%	97.266%
158.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	BOARD OF EDUCATION FOR THE CITY OF HAMILTON/CONSEIL DE L'ÉDUCATION DE LA VILLE DE HAMILTON	69.510%	51.162%	97.841%
159.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	HURON COUNTY BOARD OF EDUCATION	77.006%	63.170%	98.372%
160.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	KENT COUNTY BOARD OF EDUCATION	77.588%	64.101%	98.413%

TABLE 2 - 1998/TABLEAU 2 - 1998

	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
Item/Point	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française

161.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	LAMBTON COUNTY BOARD OF EDUCATION/CONSEIL DE L'ÉDUCATION DU COMTÉ DE LAMBTON	73.086%	56.907%	98.095%
162.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	LINCOLN COUNTY BOARD OF EDUCATION	71.930%	55.038%	98.013%
163.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	BOARD OF EDUCATION FOR THE CITY OF LONDON/LE CONSEIL DE L'ÉDUCATION DE LA VILLE DE LONDON	70.748%	53.145%	87.929%
164.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	METROPOLITAN TORONTO SCHOOL BOARD	43.068%	8.805%	95.989%
165.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	MIDDLESEX COUNTY BOARD OF EDUCATION	77.853%	64.205%	98.418%
166.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	NIAGARA SOUTH BOARD OF EDUCATION/CONSEIL SCOLAIRE DE NIAGARA SUD	73.106%	56.922%	98.096%
167.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	NORFOLK BOARD OF EDUCATION	79.649%	67.402%	98.559%
168.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	NORTHUMBERLAND & CLARINGTON BOARD OF EDUCATION	77.945%	64.674%	98.439%
169.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	OXFORD COUNTY BOARD OF EDUCATION	74.079%	58.480%	98.165%
170.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	PEEL BOARD OF EDUCATION	58.615%	35.313%	97.141%
171.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	PERTH COUNTY BOARD OF EDUCATION	73.888%	58.174%	98.151%
172.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	PETERBOROUGH COUNTY BOARD OF EDUCATION	68.740%	49.929%	97.787%
173.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	SIMCOE COUNTY BOARD OF EDUCATION	71.999%	55.149%	97.032%
174.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	VICTORIA COUNTY BOARD OF EDUCATION	74.148%	58.591%	98.170%
175.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	WATERLOO COUNTY BOARD OF EDUCATION	73.006%	56.763%	98.089%
176.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	WELLINGTON COUNTY BOARD OF EDUCATION	71.817%	54.858%	98.005%
177.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	WENTWORTH COUNTY BOARD OF EDUCATION	72.067%	55.258%	98.022%
178.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	BOARD OF EDUCATION FOR THE CITY OF WINDSOR	70.364%	52.528%	87.902%
179.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 58	YORK REGION BOARD OF EDUCATION	55.430%	28.609%	96.645%
180.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	FRONTENAC COUNTY BOARD OF EDUCATION	71.893%	54.878%	98.010%

TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Point	Column 1/Colonne 1 District School Board/Conseil scolaire de district	Column 2/Colonne 2 Old Board Name/Nom de l'ancien conseil	Column 3/ Colonne 3 Non-Growth projects/ Projets non liés à la croissance	Column 4/ Colonne 4 Growth projects/ Projets liés à la croissance	Column 5/ Colonne 5 French language secondary school projects/Projets visant les écoles secondaires de langue française
181.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	HASTINGS COUNTY BOARD OF EDUCATION	75.521%	60.791%	98.267%
182.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	LANARK COUNTY BOARD OF EDUCATION	79.078%	66.488%	98.519%
183.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	LEEDS AND GRENVILLE COUNTY BOARD OF EDUCATION	73.157%	57.004%	98.100%
184.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	LENNOX AND ADDINGTON COUNTY BOARD OF EDUCATION	79.818%	67.673%	98.571%
185.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	CONSEIL DES ÉCOLES PUBLIQUES D'OTTAWA-CARLETON	82.577%	72.093%	N/A
186.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	PRESCOTT AND RUSSELL COUNTY BOARD OF EDUCATION	86.168%	77.876%	99.022%
187.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	PRINCE EDWARD COUNTY BOARD OF EDUCATION	75.575%	60.676%	98.271%
188.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	RENFREW COUNTY BOARD OF EDUCATION	77.846%	64.674%	98.439%
189.	CONSEIL DE DISTRICT DES ÉCOLES PUBLIQUES DE LANGUE FRANÇAISE No. 59	STORMONT, DUNDAS & GLENGARRY COUNTY BOARD OF EDUCATION	79.678%	67.449%	98.561%
190.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60A	COCHRANE, IROQUOIS FALLS/ BLACK RIVER-MATHESON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.675%	75.452%	98.915%
191.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60A	HEARST DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.366%	74.956%	98.893%
192.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60A	KAPUSKASING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KAPUSKASING	82.526%	72.011%	98.763%
193.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60A	KIRKLAND LAKE-TIMISKAMING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE KIRKLAND LAKE - TIMISKAMING	91.387%	88.219%	99.391%
194.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60A	TIMMINS DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE TIMMINS	80.818%	69.277%	98.642%
195.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 60B	NIPISSING DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.724%	73.929%	98.848%
196.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 61	CHAPLEAU DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	91.494%	86.367%	N/A
197.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 61	MICHIPICOTEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.504%	73.561%	N/A
198.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 61	NORTH SHORE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	88.220%	81.120%	N/A
199.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 61	SAULT STE MARIE DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	79.712%	67.503%	98.584%
200.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 61	SUDBURY DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE SUDBURY	81.894%	70.998%	98.718%

TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Point	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
201.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	DRYDEN DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.726%	75.522%	N/A
202.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	FORT FRANCES-RAINY RIVER DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	87.619%	80.156%	N/A
203.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	GERALDTON DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE GERALDTON	86.353%	81.332%	N/A
204.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	KENORA DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.998%	74.368%	98.867%
205.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	LAKEHEAD DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT DE LAKEHEAD	80.133%	98.177%	98.593%
206.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 62	NORTH OF SUPERIOR DISTRICT ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU DISTRICT SUPÉRIEUR NORD	61.044%	69.819%	N/A
207.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	BRUCE-GRAY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.745%	77.167%	98.991%
208.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	ELGIN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.645%	73.803%	98.842%
209.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	ESSEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ D'ESSEX	84.604%	75.339%	98.910%
210.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	HURON-PERTH COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	84.421%	75.046%	98.897%
211.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	KENT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE KENT	88.053%	77.661%	99.013%
212.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	LAMBTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE LAMBTON	83.132%	72.982%	98.806%
213.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	LONDON-MIDDLESEX COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DE LONDON ET DU COMTÉ DE MIDDLESEX	81.530%	70.416%	98.892%
214.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	OXFORD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DU COMTÉ D'OXFORD	82.993%	72.758%	98.798%
215.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 63	WINDSOR ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DE L'ÉDUCATION CATHOLIQUE DE WINDSOR	79.706%	67.494%	98.563%
216.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	BRANT COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DU COMTÉ DE BRANT	98.854%	78.822%	99.055%
217.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	DUFFERIN PEEL ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE DUFFERIN & PEEL	80.006%	67.874%	98.584%
218.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	DURHAM REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE DURHAM	83.579%	73.696%	98.837%
219.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	HALDIMAND-NORFOLK COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE HALDIMAND-NORFOLK	83.018%	72.798%	98.798%
220.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	HALTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DE HALTON	78.052%	64.645%	98.446%



TABLE 2 - 1998/TABLEAU 2 - 1998

Item/Point	Column 1/Colonne 1	Column 2/Colonne 2	Column 3/ Colonne 3	Column 4/ Colonne 4	Column 5/ Colonne 5
	District School Board/Conseil scolaire de district	Old Board Name/Nom de l'ancien conseil	Non-Growth projects/ Projets non liés à la croissance	Growth projects/ Projets liés à la croissance	French language secondary school projects/Projets visant les écoles secondaires de langue française
221.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	HAMILTON-WENTWORTH ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES ROMAINES DE HAMILTON-WENTWORTH	77.833%	64.493%	98.431%
222.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	LINCOLN COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE LINCOLN	82.361%	71.746%	98.751%
223.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	METROPOLITAN SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU GRAND TORONTO	67.864%	48.206%	87.711%
224.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	MUSKOKA BOARD OF EDUCATION	48.697%	17.825%	98.368%
225.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	PETERBOROUGH, VICTORIA, NORTHUMBERLAND & CLARINGTON ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.431%	78.664%	98.969%
226.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	SIMCOE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	83.859%	74.147%	98.857%
227.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	WATERLOO COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE WATERLOO	83.008%	72.783%	98.797%
228.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	WELLAND COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD / CONSEIL SCOLAIRE DES ÉCOLES CATHOLIQUES ROMAINES DU COMTÉ DE WELLAND	81.883%	70.981%	98.717%
229.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	WELLINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES CATHOLIQUES DU COMTÉ DE WELLINGTON	80.507%	68.777%	98.620%
230.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 64	YORK REGION ROMAN CATHOLIC SEPARATE SCHOOL BOARD/ CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LA RÉGION DE YORK	75.559%	60.851%	98.270%
231.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 65	CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DE LANGUE FRANÇAISE DE PRESCOTT-RUSSELL	87.154%	79.423%	N/A
232.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 65	STORMONT, DUNDAS AND GLENGARRY COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD/CONSEIL DES ÉCOLES SÉPARÉES CATHOLIQUES DES COMTÉS DE STORMONT, DUNDAS ET GLENGARRY	87.213%	79.519%	99.095%
233.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 66	FRONTENAC-LENNOX AND ADDINGTON COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	82.865%	72.234%	98.773%
234.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 66	HASTINGS-PRINCE EDWARD COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.151%	76.215%	98.949%
235.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 66	LANARK, LEEDS & GRENVILLE COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	88.200%	77.896%	99.023%
236.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 66	CONSEIL DES ÉCOLES CATHOLIQUES DE LANGUE FRANÇAISE DE LA RÉGION D'OTTAWA-CARLETON	75.893%	61.386%	N/A
237.	CONSEIL DE DISTRICT DES ÉCOLES SÉPARÉES DE LANGUE FRANÇAISE No. 66	RENFREW COUNTY ROMAN CATHOLIC SEPARATE SCHOOL BOARD	85.159%	76.226%	98.849%



**ONTARIO REGULATION 286/98**  
made under the  
**EDUCATION ACT**

Made: June 12, 1998  
Filed: June 15, 1998

**CALCULATION OF AVERAGE DAILY  
ENROLMENT FOR THE 1998-99 FISCAL YEAR**

**1. In this Regulation,**

“1998-99 fiscal year” means the period beginning September 1, 1998 and ending August 31, 1999; (“exercice 1998-1999”)

“cycle” means the number of school days for which a schedule of classes in a school continues before the schedule is repeated; (“horaire”)

“full-time pupil” means a pupil who,

- (a) is enrolled in day school other than in junior kindergarten, and
- (b) in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day; (“élève à temps plein”)

“half-time pupil” means,

- (a) a pupil who is enrolled in junior kindergarten and, in respect of a cycle, is registered for classroom instruction for an average of at least 150 minutes per school day, and
- (b) a pupil who is enrolled in kindergarten and, in respect of a cycle, is registered for classroom instruction for an average of 150 minutes or more per school day but less than 210 minutes per school day; (“élève à mi-temps”)

“independent study course” means a credit course that is provided to a pupil other than a full-time pupil and that,

- (a) meets the criteria set out in the independent study course register for inclusion in the determination of day school enrolment, or
- (b) is approved by the Minister as an independent study course to be included in the determination of day school enrolment; (“cours d'études personnelles”)

“part-time pupil” means a pupil who is enrolled in day school and is neither a full-time nor a half-time pupil. (“élève à temps partiel”)

**2. Day school average daily enrolment for a board for the 1998-99 fiscal year is the sum of,**

- (a) the product of 0.5 and the sum of,
  - (i) the number of full-time pupils enrolled on October 31, 1998 in schools operated by the board,
  - (ii) 0.5 times the number of half-time pupils enrolled on that day in schools operated by the board, and
  - (iii) the quotient obtained by determining, for each part-time pupil enrolled on that day in a school operated by the board, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle;
- (b) the product of 0.5 and the sum of,
  - (i) the number of full-time pupils enrolled on March 31, 1999 in schools operated by the board,

**RÈGLEMENT DE L'ONTARIO 286/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 12 juin 1998  
déposé le 15 juin 1998

**CALCUL DE L'EFFECTIF QUOTIDIEN MOYEN  
POUR L'EXERCICE 1998-1999**

**1. Les définitions qui suivent s'appliquent au présent règlement.**

«cours d'études personnelles» Cours crédité qui est dispensé à un élève, à l'exclusion d'un élève à temps plein, et qui, selon le cas :

- a) satisfait aux critères énoncés dans le registre des cours d'études personnelles pour être inclus dans le calcul de l'effectif de jour,
- b) est approuvé par le ministre à titre de cours d'études personnelles à inclure dans le calcul de l'effectif de jour. («independent study course»)

«élève à mi-temps» Élève qui :

- a) soit est inscrit à la maternelle pour une moyenne d'au moins 150 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire,
- b) soit est inscrit au jardin d'enfants pour une moyenne d'au moins 150 minutes mais de moins de 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («half-time pupil»)

«élève à temps partiel» Élève qui est inscrit aux cours de jour et qui n'est ni un élève à temps plein ni un élève à mi-temps. («part-time pupil»)

«élève à temps plein» Élève qui :

- a) d'une part, est inscrit aux cours de jour, à l'exclusion de la maternelle,
- b) d'autre part, est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire. («full-time pupil»)

«exercice 1998-1999» La période qui commence le 1<sup>er</sup> septembre 1998 et qui se termine le 31 août 1999. («1998-99 fiscal year»)

«horaire» Le nombre de jours que couvre le calendrier des classes d'une école avant de recommencer. («cycle»)

**2. L'effectif quotidien moyen de jour d'un conseil pour l'exercice 1998-1999 correspond à la somme de ce qui suit :**

- a) le produit de 0,5 par la somme de ce qui suit :
  - (i) le nombre d'élèves à temps plein inscrits le 31 octobre 1998 aux écoles qui relèvent du conseil,
  - (ii) 0,5 fois le nombre d'élèves à mi-temps inscrits ce jour-là aux écoles qui relèvent du conseil,
  - (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel inscrit ce jour-là à une école qui relève du conseil, le nombre de minutes pour lesquelles il est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, à un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 et du nombre de jours que compte l'horaire;
- b) le produit de 0,5 par la somme de ce qui suit :
  - (i) le nombre d'élèves à temps plein inscrits le 31 mars 1999 aux écoles qui relèvent du conseil,

- (ii) 0.5 times the number of half-time pupils enrolled on that day in schools operated by the board, and
- (iii) the quotient obtained by determining, for each part-time pupil enrolled on that day in a school operated by the board, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes that day, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle; and
- (c) an amount in respect of each pupil enrolled in a school of the board who is registered for an independent study course, calculated as follows:

$$\frac{A}{7.5} \times B$$

where,

- A = the number of credits and partial credits that may be earned by the pupil on successful completion of the course,
- B = the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the 1998-99 fiscal year.

3. Continuing education average daily enrolment for a board for the 1998-99 fiscal year is the sum of,

- (a) an amount in respect of each pupil who is enrolled in a continuing education class or course established by the board, other than a summer school class or course within the meaning of section 4 or a continuing education course delivered primarily through means other than classroom instruction, calculated as follows:

$$\frac{A \times B}{300 \times 190}$$

where,

- A = the number of sessions for which the pupil is enrolled in the 1998-99 fiscal year,
- B = the number of minutes in each session; and

- (b) an amount in respect of each pupil who is enrolled in a continuing education course established by the board and delivered primarily through means other than classroom instruction calculated as follows:

$$A \times 0,1134 \times B$$

where,

- A = the number of credits and partial credits that may be earned by the pupil on successful completion of the course,
- B = the fraction representing the portion of the total quantity of work required for completion of the course that is completed by the pupil during the period from September 1, 1998 to August 31, 1999.

4. (1) In this section,

“summer school class or course” means a class or course provided by a board between the hours of 8 a.m. and 5 p.m. if,

- (ii) 0,5 fois le nombre d'élèves à mi-temps inscrits ce jour-là aux écoles qui relèvent du conseil,

- (iii) le quotient obtenu en calculant, pour chaque élève à temps partiel inscrit ce jour-là à une école qui relève du conseil, le nombre de minutes pour lesquelles cet élève est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut ce jour-là, à un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 et du nombre de jours que compte l'horaire;

- c) une valeur relative à chaque élève inscrit à une école du conseil, à un cours d'études personnelles, calculée selon la formule suivante :

$$\frac{A}{7.5} \times B$$

où :

- A = le nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,
- B = la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de l'exercice 1998-1999.

3. L'effectif quotidien moyen de l'éducation permanente d'un conseil pour l'exercice 1998-1999 correspond à la somme de ce qui suit :

- a) une valeur relative à chaque élève qui est inscrit à une classe ou à un cours d'éducation permanente créé par le conseil, à l'exclusion d'une classe ou d'un cours d'été au sens de l'article 4 ou d'un cours d'éducation permanente dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$\frac{A \times B}{300 \times 190}$$

où :

- A = le nombre de séances pour lesquelles l'élève est inscrit pendant l'exercice 1998-1999,
- B = le nombre de minutes que comprend chaque séance;

- b) une valeur relative à chaque élève qui est inscrit à un cours d'éducation permanente créé par le conseil et dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$A \times 0,1134 \times B$$

où :

- A = le nombre de crédits et de fractions de crédits que peut obtenir l'élève qui termine le cours avec succès,
- B = la fraction représentant la tranche de la quantité totale de travail exigée pour terminer le cours que l'élève a terminée au cours de la période allant du 1<sup>er</sup> septembre 1998 au 31 août 1999.

4. (1) La définition qui suit s'applique au présent article.

«classe ou cours d'été» Classe ou cours offert par un conseil entre 8 h et 17 h si les conditions suivantes sont réunies :

- (a) the class or course starts after the completion of the 1998-1999 school year and ends before the start of the 1999-2000 school year, and
- (b) the class or course,
- is for developmentally delayed pupils, or
  - is one in which a pupil may earn a credit or a credit equivalent.

(2) Only pupils who were enrolled in a day school program offered by a board in the 1998-99 school year shall be counted for the purposes of this section.

(3) Summer school average daily enrolment for a board for the 1998-99 fiscal year is the sum of the amounts in respect of each pupil enrolled in a summer school course or class that is provided by the board, other than a course delivered primarily through means other than classroom instruction, calculated as follows:

$$\frac{A \times B}{300 \times 190}$$

where,

A = the number of sessions of the summer school course or class in which the pupil is enrolled in the 1998-99 fiscal year,

B = the number of minutes in each session.

- a) la classe ou le cours commence après la fin de l'année scolaire 1998-1999 et se termine avant le début de l'année scolaire 1999-2000;
- b) la classe ou le cours est, selon le cas :
- destiné aux élèves qui présentent un retard du développement,
  - une classe ou un cours où l'élève peut obtenir un crédit ou un équivalent en crédits.

(2) Seuls les élèves qui étaient inscrits à un programme scolaire de jour dispensé par un conseil pendant l'année scolaire 1998-1999 sont dénombrés pour l'application du présent article.

(3) L'effectif quotidien moyen des cours d'été d'un conseil pour l'exercice 1998-1999 correspond à la somme de valeurs dont chacune est une valeur relative à chaque élève qui est inscrit à une classe ou à un cours d'été dispensé par le conseil, à l'exclusion d'un cours dispensé principalement par des moyens autres qu'un enseignement en classe, calculée selon la formule suivante :

$$\frac{A \times B}{300 \times 190}$$

où :

A = le nombre de séances de la classe ou du cours d'été auquel l'élève est inscrit pendant l'exercice 1998-1999,

B = le nombre de minutes que comprend chaque séance.

## ONTARIO REGULATION 287/98

made under the  
EDUCATION ACT

Made: June 12, 1998  
Filed: June 15, 1998

### STUDENT FOCUSED FUNDING—LEGISLATIVE GRANTS FOR THE SCHOOL BOARD 1998-99 FISCAL YEAR

#### CONTENTS

	Sections
<b>PART I GENERAL</b>	
Interpretation .....	1-4
General .....	5-9
<b>PART II GRANTS TO DISTRICT SCHOOL BOARDS</b>	
Grant entitlement .....	10-11
1998-99 tax revenue .....	12
Foundation allocation .....	13
Special education allocation .....	14-20
Language allocation—English-language boards .....	21-24
Language allocation—French-language boards .....	25-28
Small schools allocation .....	29
Remote and rural allocation .....	30
Learning opportunities allocation .....	31
Adult education, continuing education and summer school allocation .....	32
Teacher compensation allocation .....	33
Early learning allocation .....	34
Transportation allocation .....	35
Administration and governance allocation .....	36

## RÈGLEMENT DE L'ONTARIO 287/98

pris en application de la  
LOI SUR L'ÉDUCATION

pris le 12 juin 1998  
déposé le 15 juin 1998

### FINANCEMENT AXÉ SUR LES BESOINS DES ÉLÈVES — SUBVENTIONS GÉNÉRALES POUR L'EXERCICE 1998-1999 DU CONSEIL SCOLAIRE

#### SOMMAIRE

	Articles
<b>PARTIE I DISPOSITIONS GÉNÉRALES</b>	1-9
Interprétation .....	1-4
Dispositions générales .....	5-9
<b>PARTIE II SUBVENTIONS EN FAVEUR DES CONSEILS SCOLAIRES DE DISTRICT</b>	
Droit aux subventions .....	10-11
Recettes fiscales de 1998-1999 .....	12
Élément éducation de base .....	13
Élément éducation de l'enfance en difficulté .....	14-20
Élément enseignement des langues — conseils scolaires de langue anglaise .....	21-24
Élément enseignement des langues — conseils scolaires de langue française .....	25-28
Élément petites écoles .....	29
Élément conseils ruraux et éloignés .....	30
Élément programmes d'aide à l'apprentissage .....	31
Élément éducation des adultes, éducation permanente et cours d'été .....	32
Élément rémunération des enseignants .....	33

Pupil accommodation allocation .....	37
Debt charges allocation .....	38
Phase-in funding .....	39-47
Grants for capital projects for which approval was given before September 1, 1998 .....	48
Grants for capital projects for which approval is given on or after September 1, 1998 .....	49
Enveloping .....	50-54

PART III GRANTS TO SCHOOL AUTHORITIES ..... 55-56

PART IV PAYMENTS TO GOVERNING AUTHORITIES ..... 57-60

Élément apprentissage durant les premières années d'études .....	34
Élément transport des élèves .....	35
Élément administration et gestion .....	36
Élément installations d'accueil pour les élèves .....	37
Élément service de la dette .....	38
Réduction ou augmentation progressive du financement .....	39-47
Subventions au titre des projets d'immobilisations approuvés avant le 1 <sup>er</sup> septembre 1998 .....	48
Subventions au titre des projets d'immobilisations approuvés le 1 <sup>er</sup> septembre 1998 ou après cette date .....	49
Enveloppes .....	50-54

PARTIE III SUBVENTIONS EN FAVEUR DES ADMINISTRATIONS SCOLAIRES ... 55-56

PARTIE IV PAIEMENTS VERSÉS À DES ADMINISTRATIONS RESPONSABLES 57-60

### TABLES

Table 1	Program ISA
Table 2	ESD Percentages
Table 3	Assimilation Factors for ALF Funding
Table 4	Distances and Urban Factors for Remote and Rural Allocations
Table 5	Learning Opportunities
Table 6	Teacher Compensation
Table 7	Geographic Adjustment Factors for New Pupil Places
Table 8	Classroom Expenditure Percentages

### PART I GENERAL

#### INTERPRETATION

I. In this Regulation,

"1998-99 A.D.E. regulation" means Ontario Regulation 286/98; ("règlement sur l'effectif quotidien moyen de 1998-1999")

"1998-99 fees regulation" means Ontario Regulation 288/98; ("règlement sur les droits de 1998-1999")

"1998-99 fiscal year" means the fiscal year from September 1, 1998 to August 31, 1999; ("exercice 1998-1999")

"ALF" stands for actualisation linguistique en français; ("ALF")

"capital asset" means,

- a school site that provides or is capable of providing pupil accommodation and an addition or improvement to such a school site,
- a school building, including a fixture of a school building, and an addition, alteration, renovation or major repair to a school building or a fixture of a school building,
- furniture and equipment to be used in school buildings,
- library materials for the initial equipping of a library in a school building, and

### TABLES

Table 1	AAS (programmes)
Table 2	Pourcentages des programmes d'ESD
Table 3	Facteurs d'assimilation pour le financement des programmes d'ALF
Table 4	Facteur urbain et facteur d'éloignement pour l'élément conseils ruraux et éloignés
Table 5	Programmes d'aide à l'apprentissage
Table 6	Rémunération des enseignants
Table 7	Facteurs de redressement géographique pour les nouvelles places
Table 8	Pourcentages des dépenses liées aux classes

### PARTIE I DISPOSITIONS GÉNÉRALES

#### INTERPRÉTATION

1. Les définitions qui suivent s'appliquent au présent règlement.

«AAS» Allocation d'aide spécialisée. («ISA»)

«ALF» Actualisation linguistique en français. («ALF»)

«ancien conseil» Ne s'entend pas des conseils de secteur de la communauté urbaine de Toronto ni du Conseil des écoles françaises de la communauté urbaine de Toronto. («old board»)

«ancien conseil non parachevé» Ancien conseil auquel s'appliquait le paragraphe 4 (1) du Règlement de l'Ontario 78/97. («unextended old board»)

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«conseil de secteur de la communauté urbaine de Toronto» :

- Le Conseil de l'éducation de la municipalité d'East York,
- le Conseil de l'éducation de la cité d'Etoicoke,
- le Conseil de l'éducation de la cité de North York,
- le Conseil de l'éducation de la cité de Scarborough,

(c) a water supply or electrical power supply on school property or the means of conveying water or electrical power to school property from outside the property; ("immobilisation")

"cycle" has the same meaning as in the 1998-99 A.D.E. regulation; ("horaire")

"designated board associated with an old board" means the district school board that is listed in Column 2 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule; ("conseil désigné rattaché à un ancien conseil")

"elementary school pupil" means a pupil who is enrolled in any of junior kindergarten, kindergarten and grades one to eight; ("élève de l'élémentaire")

"ESD" stands for English skills development; ("ESD")

"ESL" stands for English as a second language; ("ESL")

"full-time pupil" has the same meaning as in the 1998-99 A.D.E. regulation; ("élève à temps plein")

"half-time pupil" has the same meaning as in the 1998-99 A.D.E. regulation; ("élève à mi-temps")

"independent study course" has the same meaning as in the 1998-99 A.D.E. regulation; ("cours d'études personnelles")

"ISA" stands for intensive support amount; ("AAS")

"isolate board" is a school authority other than a section 68 board; ("conseil isolé")

"Metropolitan Toronto area board" means,

- (a) The Board of Education for the Borough of East York,
- (b) The Board of Education for the City of Etobicoke,
- (c) The Board of Education for the City of North York,
- (d) The Board of Education for the City of Scarborough,
- (e) The Board of Education for the City of Toronto, and
- (f) The Board of Education for the City of York; ("conseil de secteur de la communauté urbaine de Toronto")

"old board" does not include the Metropolitan Toronto area boards or The Metropolitan Toronto French-Language School Council; ("ancien conseil")

"part-time pupil" has the same meaning as in the 1998-99 A.D.E. regulation; ("élève à temps partiel")

"PDF" stands for perfectionnement du français; ("PDF")

"secondary school pupil" means a pupil who is enrolled in any of grades nine to twelve or in a course leading to an OAC credit; ("élève du secondaire")

"section 68 board" is a board established under section 68 of the Act; ("conseil créé en vertu de l'article 68")

"supported board associated with an old board" means the district school board that is listed in Column 3 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule; ("conseil secondé rattaché à un ancien conseil")

"unextended old board" means an old board to which subsection 4 (1) of Ontario Regulation 78/97 applied. ("ancien conseil non parachevé")

e) le Conseil de l'éducation de la cité de Toronto,

f) le Conseil de l'éducation de la cité de York. («Metropolitan Toronto area board»)

«conseil désigné rattaché à un ancien conseil» S'entend du conseil scolaire de district mentionné dans la colonne 2 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («designated board associated with an old board»)

«conseil isolé» Administration scolaire, à l'exclusion d'un conseil créé en vertu de l'article 68. («isolate board»)

«conseil secondé rattaché à un ancien conseil» S'entend du conseil scolaire de district mentionné dans la colonne 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil mentionné dans la colonne 1 de cette annexe. («supported board associated with an old board»)

«cours d'études personnelles» S'entend au sens du règlement sur l'effectif quotidien moyen de 1998-1999. («independent study course»)

«élève à mi-temps» S'entend au sens du règlement sur l'effectif quotidien moyen de 1998-1999. («half-time pupil»)

«élève à temps partiel» S'entend au sens du règlement sur l'effectif quotidien moyen de 1998-1999. («part-time pupil»)

«élève à temps plein» S'entend au sens du règlement sur l'effectif quotidien moyen de 1998-1999. («full-time pupil»)

«élève de l'élémentaire» Élève inscrit à la maternelle, au jardin d'enfants ou à l'une des huit premières années d'études. («elementary school pupil»)

«élève du secondaire» Élève inscrit à la neuvième, dixième, onzième ou douzième année ou à un cours menant à l'obtention d'un crédit des cours préuniversitaires de l'Ontario. («secondary school pupil»)

«ESD» English skills development. («ESD»)

«ESL» English as a second language. («ESL»)

«exercice 1998-1999» L'exercice qui commence le 1<sup>er</sup> septembre 1998 et qui se termine le 31 août 1999. («1998-99 fiscal year»)

«horaire» S'entend au sens du règlement sur l'effectif quotidien moyen de 1998-1999. («cycle»)

«immobilisation» S'entend de ce qui suit :

- a) l'emplacement scolaire qui offre ou est capable d'offrir des installations d'accueil pour les élèves et son agrandissement et l'amélioration qui y est apportée,
- b) le bâtiment scolaire, y compris un accessoire fixe, ainsi que son agrandissement, sa transformation, sa rénovation ou une réparation importante qui lui est apportée,
- c) les meubles et le matériel qui doivent servir dans les bâtiments scolaires,
- d) les documents de bibliothèque nécessaires à la dotation initiale d'une bibliothèque en matériel dans un bâtiment scolaire,
- e) les installations d'alimentation de l'école en eau ou en électricité, soit sur les lieux mêmes, soit par approvisionnement en provenance de l'extérieur. («capital asset»)

«PDF» Perfectionnement du français. («PDF»)

«règlement sur l'effectif quotidien moyen de 1998-1999» Le Règlement de l'Ontario 286/98. («1998-99 A.D.E. regulation»)

«règlement sur les droits de 1998-1999» Le Règlement de l'Ontario 288/98. («1998-99 fees regulation»)

2. (1) Subject to subsections (2) to (5), for the purposes of this Regulation, a pupil is a pupil of a board if he or she is enrolled in a school operated by the board.

(2) A pupil who receives instruction in an education program provided by a board in a facility described or mentioned in subsection 19 (2) is not a pupil enrolled in a school of the board for the purposes of subsection (1).

(3) Subsection (4) applies where,

- (a) the area of jurisdiction of a separate district school board includes all or part of the area that was, immediately before January 1, 1998, the area of jurisdiction of an unextended old board;
- (b) the separate district school board does not operate a secondary school in the area that was, immediately before January 1, 1998, the area of jurisdiction of the unextended old board; and
- (c) the separate district school board has entered into a purchase of services agreement with a public board to provide instruction, in schools located in the area that was, immediately before January 1, 1998, the area of jurisdiction of the unextended old board, to secondary school pupils who are qualified to be resident pupils of the separate board.

(4) For the purposes of this Regulation, pupils receiving instruction under an agreement referred to in clause (3) (c) are pupils of the separate district school board and are not pupils of the public board.

(5) For the purposes of this Regulation, the following are not pupils of a board even if they are enrolled in a school of the board:

- 1. A pupil who is a registered Indian residing on a reserve within the meaning of the *Indian Act* (Canada).
- 2. A pupil who is liable to pay fees as specified in subsection 49 (6) of the *Education Act* because he or she is a visitor within the meaning of the *Immigration Act* (Canada) or is in possession of a student authorization issued under that Act.
- 3. A pupil in respect of whom the board may charge a fee under section 5 of the 1998-99 fees regulation.

3. (1) For the purposes of this Regulation, the 1998-99 day school average daily enrolment of pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 1998-99 A.D.E. regulation, counting only pupils of the board, excluding secondary school pupils who are 21 years of age or more on December 31, 1998, and counting kindergarten pupils in accordance with subsection (5).

(2) For the purposes of this Regulation, the 1998-99 day school average daily enrolment of elementary pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 1998-99 A.D.E. regulation, counting only the elementary school pupils of the board and counting kindergarten pupils in accordance with subsection (5).

(3) For the purposes of this Regulation, the 1998-99 day school average daily enrolment of secondary pupils of a board is the day school average daily enrolment for the board determined under section 2 of the 1998-99 A.D.E. regulation, counting only secondary school pupils of the board and excluding secondary school pupils who are 21 years of age or more on December 31, 1998.

2. (1) Sous réserve des paragraphes (2) à (5), pour l'application du présent règlement, un élève est un élève d'un conseil s'il est inscrit à une école qui relève du conseil.

(2) L'élève qui reçoit un enseignement dans un programme d'enseignement dispensé par un conseil dans un établissement visé ou mentionné au paragraphe 19 (2) n'est pas un élève inscrit à une école du conseil pour l'application du paragraphe (1).

(3) Le paragraphe (4) s'applique si les conditions suivantes sont réunies :

- a) le territoire de compétence d'un conseil scolaire de district séparé comprend tout ou partie du territoire qui était, immédiatement avant le 1<sup>er</sup> janvier 1998, le territoire de compétence d'un ancien conseil non parachevé;
- b) le conseil scolaire de district séparé ne fait pas fonctionner d'école secondaire dans le territoire qui était, immédiatement avant le 1<sup>er</sup> janvier 1998, le territoire de compétence de l'ancien conseil non parachevé;
- c) le conseil scolaire de district séparé a conclu avec un conseil public une entente d'achat de services pour dispenser, dans des écoles situées dans le territoire qui était, immédiatement avant le 1<sup>er</sup> janvier 1998, le territoire de compétence de l'ancien conseil non parachevé, un enseignement aux élèves du secondaire qui satisfont aux conditions requises pour être élèves résidents du conseil séparé.

(4) Pour l'application du présent règlement, les élèves qui reçoivent un enseignement aux termes de l'entente visée à l'alinéa (3) c) sont des élèves du conseil scolaire de district séparé et ne sont pas des élèves du conseil public.

(5) Pour l'application du présent règlement, les élèves suivants ne sont pas des élèves d'un conseil même s'ils sont inscrits à une école du conseil :

- 1. Les élèves qui sont des Indiens inscrits qui résident dans une réserve au sens de la *Loi sur les Indiens* (Canada).
- 2. Les élèves qui sont tenus de verser les droits précisés au paragraphe 49 (6) de la *Loi sur l'éducation* parce qu'ils sont des visiteurs au sens de la *Loi sur l'immigration* (Canada) ou qu'ils sont en possession d'un permis de séjour pour étudiant délivré en vertu de cette loi.
- 3. Les élèves à l'égard desquels le conseil peut imposer des droits en vertu de l'article 5 du règlement sur les droits de 1998-1999.

3. (1) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves d'un conseil pour 1998-1999 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999, en ne comptant que les élèves du conseil, à l'exclusion des élèves du secondaire qui sont âgés de 21 ans ou plus le 31 décembre 1998, et en comptant les élèves des jardins d'enfants conformément au paragraphe (5).

(2) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves de l'élémentaire d'un conseil pour 1998-1999 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999, en ne comptant que les élèves de l'élémentaire du conseil et en comptant les élèves des jardins d'enfants conformément au paragraphe (5).

(3) Pour l'application du présent règlement, l'effectif quotidien moyen de jour des élèves du secondaire d'un conseil pour 1998-1999 correspond à l'effectif quotidien moyen de jour du conseil calculé conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999, en ne comptant que les élèves du secondaire du conseil, à l'exclusion de ceux qui sont âgés de 21 ans ou plus le 31 décembre 1998.



(4) For the purposes of this Regulation, the day school full-time equivalent enrolment for a board as of October 31, 1998 is the sum of,

- (a) the number of full-time pupils of the board enrolled on October 31, 1998, excluding secondary school pupils who are 21 years of age or more on December 31, 1998 and counting kindergarten pupils in accordance with subsection (5);
- (b) 0.5 times the number of half-time pupils of the board enrolled on October 31, 1998, excluding secondary school pupils who are 21 years of age or more on December 31, 1998 and counting kindergarten pupils in accordance with subsection (5); and
- (c) the quotient obtained by determining, for each part-time pupil of the board enrolled on October 31, 1998, other than secondary school pupils who are 21 years of age or more on December 31, 1998, the number of minutes for which the pupil is registered for classroom instruction in the cycle that includes October 31, 1998, in a course other than an independent study course, and dividing the sum of the numbers so determined by the product of 300 and the number of days in the cycle.

(5) For the purposes of subsections (1), (2) and (4), if the number of kindergarten full-time pupils of the board on October 31, 1998 exceeds the number of kindergarten full-time pupils of the board on March 31, 1998, determined in accordance with subsection (6), the kindergarten pupils of the board shall be counted in accordance with the following rules:

1. When applying the formula set out in section 2 of the 1998-99 A.D.E. regulation,
  - i. the maximum number that may be counted as kindergarten full-time pupils of the board on the count date of October 31, 1998 or March 31, 1999 is the number of kindergarten full-time pupils of the board on March 31, 1998, determined in accordance with subsection (6), and
  - ii. any remaining kindergarten full-time pupils of the board shall be counted as half-time pupils of the board.
2. When applying the formula set out in subsection (4),
  - i. the maximum number that may be counted as kindergarten full-time pupils of the board on the count date of October 31, 1998 is the number of kindergarten full-time pupils of the board on March 31, 1998, determined in accordance with subsection (6), and
  - ii. any remaining kindergarten full-time pupils of the board shall be counted as half-time pupils of the board.

(6) For the purposes of subsection (5), a pupil is a kindergarten full-time pupil of a board on March 31, 1998 if,

- (a) the pupil was enrolled in a kindergarten in a school governed by the board on March 31, 1998;
- (b) in respect of the cycle that includes March 31, 1998, the pupil was registered for classroom instruction for an average of at least 210 minutes per school day;
- (c) on March 31, 1998, the pupil was not receiving instruction in an education program provided by the board in a facility described or mentioned in subsection 19 (2); and
- (d) on March 31, 1998, the pupil was not a pupil described in subsection 2 (5).

(7) Where this Regulation requires that pupils be counted but does not provide that the count shall be on the basis of average daily enrolment or on the basis of full-time equivalent enrolment, each pupil, whether full-time, half-time or part-time, shall be counted as one.

(4) Pour l'application du présent règlement, l'effectif de jour à temps plein ou l'équivalent d'un conseil au 31 octobre 1998 correspond à la somme de ce qui suit :

- a) le nombre d'élèves à temps plein du conseil inscrits le 31 octobre 1998, à l'exclusion des élèves du secondaire qui sont âgés de 21 ans ou plus le 31 décembre 1998 et en comptant les élèves des jardins d'enfants conformément au paragraphe (5);
- b) 0,5 fois le nombre d'élèves à mi-temps du conseil inscrits le 31 octobre 1998, à l'exclusion des élèves du secondaire qui sont âgés de 21 ans ou plus le 31 décembre 1998 et en comptant les élèves des jardins d'enfants conformément au paragraphe (5);
- c) le quotient obtenu en calculant, pour chaque élève à temps partiel du conseil inscrit le 31 octobre 1998, à l'exclusion d'un élève du secondaire qui est âgé de 21 ans ou plus le 31 décembre 1998, le nombre de minutes pour lesquelles il est inscrit en vue de recevoir un enseignement en classe pendant l'horaire qui inclut le 31 octobre 1998, à un cours autre qu'un cours d'études personnelles, et en divisant la somme des nombres ainsi obtenus par le produit de 300 et du nombre de jours que compte l'horaire.

(5) Pour l'application des paragraphes (1), (2) et (4), si le nombre des élèves à temps plein des jardins d'enfants que compte le conseil le 31 octobre 1998 dépasse le nombre de ceux qu'il comptait le 31 mars 1998, calculé conformément au paragraphe (6), les élèves des jardins d'enfants du conseil sont dénombrés conformément aux règles suivantes :

1. Lors de l'application de la formule énoncée à l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999 :
  - i. le nombre maximal d'élèves qui peuvent être dénombrés comme élèves à temps plein des jardins d'enfants du conseil à la date de dénombrement du 31 octobre 1998 ou du 31 mars 1999 correspond au nombre d'élèves à temps plein des jardins d'enfants qu'il comptait le 31 mars 1998, calculé conformément au paragraphe (6),
  - ii. les autres élèves à temps plein des jardins d'enfants du conseil sont dénombrés comme élèves à mi-temps du conseil.
2. Lors de l'application de la formule énoncée au paragraphe (4) :
  - i. le nombre maximal d'élèves qui peuvent être dénombrés comme élèves à temps plein des jardins d'enfants du conseil à la date de dénombrement du 31 octobre 1998 correspond au nombre d'élèves à temps plein des jardins d'enfants qu'il comptait le 31 mars 1998, calculé conformément au paragraphe (6),
  - ii. les autres élèves à temps plein des jardins d'enfants du conseil sont dénombrés comme élèves à mi-temps du conseil.

(6) Pour l'application du paragraphe (5), un élève est un élève à temps plein d'un jardin d'enfants d'un conseil le 31 mars 1998 si les conditions suivantes sont réunies :

- a) l'élève est inscrit à un jardin d'enfants dans une école qui relève du conseil le 31 mars 1998;
- b) à l'égard de l'horaire qui inclut le 31 mars 1998, l'élève est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe;
- c) le 31 mars 1998, l'élève ne reçoit pas d'enseignement dans un programme d'enseignement dispensé par le conseil dans un établissement visé ou mentionné au paragraphe 19 (2);
- d) le 31 mars 1998, l'élève n'était pas un élève visé au paragraphe 2 (5).

(7) Si le présent règlement exige que les élèves soient dénombrés, mais qu'il ne prévoit pas que le dénombrement soit effectué en fonction de l'effectif quotidien moyen ou de l'effectif à temps plein ou l'équivalent, chaque élève, qu'il soit à temps plein, à mi-temps ou à temps partiel, compte pour un élève.

4. (1) A count of pupils for the purposes of this Regulation on the basis of average daily enrolment or on the basis of full-time equivalent enrolment shall be accurate to two decimal places.

(2) A count of teachers for the purposes of this Regulation on the basis of full-time equivalence shall be accurate to one decimal place.

#### GENERAL

5. (1) The legislative grant payable for the 1998-99 fiscal year to a district school board is the amount calculated under Part II.

(2) The legislative grant payable for the 1998-99 fiscal year to an isolate board is the amount calculated under Part III.

(3) The legislative grant payable for the 1998-99 fiscal year to a section 68 board is the amount calculated under Part III.

6. Except as otherwise provided in sections 48 and 49, a legislative grant payable under this Regulation shall be paid on an estimated basis during the 1998-99 fiscal year and such adjustments as may be necessary shall be made after the actual financial, enrolment and other data are available.

7. (1) It is a condition of the payment of a grant to a board under this Regulation that the board comply with all Acts administered by the Minister and with all regulations, policies, guidelines, directives and similar instruments made under an Act administered by the Minister.

(2) Where a board contravenes an Act administered by the Minister or a regulation, policy, guideline, directive or similar instrument made under an Act administered by the Minister, the Minister may withhold all or part of a grant otherwise payable to the board under the Act until the board takes the steps necessary to correct the situation.

8. Where the amount payable to an old board under a general legislative grant regulation was overpaid, the overpayment shall be deducted from the grants payable under this Regulation to the designated board associated with the old board and to the supported board associated with the old board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

9. Where the amount payable to an old board under a general legislative grant regulation was underpaid, the underpayment shall be added to the grants payable under this Regulation to the designated board associated with the old board and to the supported board associated with the old board, in accordance with the appropriate distribution ratios as determined under the directives published in September, 1997 by the Education Improvement Commission and titled "Directives for the Distribution of Assets and Liabilities Among District School Boards".

### PART II GRANTS TO DISTRICT SCHOOL BOARDS

#### GRANT ENTITLEMENT

10. (1) For the purposes of this Part, the following are types of allocations:

1. Foundation allocation.
2. Special education allocation.
3. Language allocation.

4. (1) Le dénombrement des élèves qui est effectué pour l'application du présent règlement en fonction de l'effectif quotidien moyen ou de l'effectif à temps plein ou l'équivalent, se fait à deux décimales près.

(2) Le dénombrement des enseignants qui est effectué pour l'application du présent règlement en fonction de l'équivalence à temps plein se fait à une décimale près.

#### DISPOSITIONS GÉNÉRALES

5. (1) La subvention générale payable pour l'exercice 1998-1999 à un conseil scolaire de district correspond à la somme calculée aux termes de la partie II.

(2) La subvention générale payable pour l'exercice 1998-1999 à un conseil isolé correspond à la somme calculée aux termes de la partie III.

(3) La subvention générale payable pour l'exercice 1998-1999 à un conseil créé en vertu de l'article 68 correspond à la somme calculée aux termes de la partie III.

6. Sous réserve des articles 48 et 49, les subventions générales payables aux termes du présent règlement se fondent sur des estimations pendant l'exercice 1998-1999. Les redressements éventuels nécessaires sont effectués lorsque les données, notamment les données financières et l'effectif réels, sont connues.

7. (1) L'obligation pour les conseils de se conformer aux lois dont l'application relève du ministre et aux textes pris en application de telles lois, notamment des règlements, des politiques, des lignes directrices ou des directives, est une condition du versement des subventions prévues par le présent règlement.

(2) Si le conseil contrevient à une loi dont l'application relève du ministre ou à un texte pris en application d'une telle loi, notamment un règlement, une politique, une ligne directrice ou une directive, le ministre peut retenir tout ou partie de la subvention qui lui est payable par ailleurs aux termes de la Loi jusqu'à ce qu'il prenne les mesures nécessaires pour remédier à la situation.

8. Si un ancien conseil a reçu une somme supérieure à celle qui lui était payable aux termes d'un règlement sur les subventions générales, l'excédent est déduit des subventions payables aux termes du présent règlement au conseil désigné et au conseil secondé qui lui sont rattachés, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

9. Si un ancien conseil a reçu une somme inférieure à celle qui lui était payable aux termes d'un règlement sur les subventions générales, la différence est ajoutée aux subventions payables aux termes du présent règlement au conseil désigné et au conseil secondé qui lui sont rattachés, conformément aux facteurs de répartition pertinents établis aux termes des directives que la Commission d'amélioration de l'éducation a publiées en septembre 1997 sous le titre de «Directives pour la répartition de l'actif et du passif des conseils existants parmi les conseils scolaires de district».

### PARTIE II SUBVENTIONS EN FAVEUR DES CONSEILS SCOLAIRES DE DISTRICT

#### DROIT AUX SUBVENTIONS

10. (1) Pour l'application de la présente partie, les éléments d'une subvention sont les suivants :

1. Éducation de base.
2. Éducation de l'enfance en difficulté.
3. Enseignement des langues.



4. Small schools allocation.
5. Remote and rural allocation.
6. Learning opportunity allocation.
7. Adult education, continuing education and summer school allocation.
8. Teacher compensation allocation.
9. Early learning allocation.
10. Transportation allocation.
11. Administration and governance allocation.
12. Pupil accommodation allocation.
13. Debt charges allocation.

(2) For the purposes of this Regulation, an old board is a predecessor of a district school board if the district school board is listed in Column 2 or 3 of Schedule 1 to Ontario Regulation 460/97, opposite the old board listed in Column 1 of that Schedule.

11. A district school board shall be paid a grant in an amount determined as follows:

1. Determine the 1998-99 tax revenue of the board, in accordance with section 12.
2. Determine the amount of each type of allocation for the board, in accordance with sections 13 to 38.
3. Total the amounts determined for the board under paragraph 2.
4. Adjust the amount determined under paragraph 3 in accordance with section 40.
5. Deduct the amount determined under paragraph 1 for the board from the amount determined under paragraph 4 for the board.
6. Deduct the fees revenue received by the board under section 4 of the 1998-99 fees regulation.
7. Deduct the amount that is in the board's reserve fund under subsection 233 (1) of the Act on August 31, 1999, immediately before the transfer under subsection 233 (2) of the Act.
8. Add the total of the amounts determined for the board for capital projects under subsection 48 (4).
9. Add the total of the amounts determined for the board for capital projects under subsection 49 (1).

#### 1998-99 TAX REVENUE OF A DISTRICT SCHOOL BOARD

12. (1) For the purposes of paragraph 1 of section 11, the 1998-99 tax revenue of a district school board shall be determined as follows:

1. Add,
  - i. 38 per cent of the total of the amounts distributed to the board in respect of the 1998 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,

4. Petites écoles.
5. Conseils ruraux et éloignés.
6. Programmes d'aide à l'apprentissage.
7. Éducation des adultes, éducation permanente et cours d'été.
8. Rémunération des enseignants.
9. Apprentissage durant les premières années d'études.
10. Transport des élèves.
11. Administration et gestion.
12. Installations d'accueil pour les élèves.
13. Service de la dette.

(2) Pour l'application du présent règlement, un ancien conseil est remplacé par un conseil scolaire de district si ce dernier est mentionné dans la colonne 2 ou 3 de l'annexe 1 du Règlement de l'Ontario 460/97, en regard de l'ancien conseil qui est mentionné dans la colonne 1 de cette annexe.

11. Un conseil scolaire de district reçoit une subvention calculée de la manière suivante :

1. Calculer les recettes fiscales de 1998-1999 du conseil conformément à l'article 12.
2. Calculer chaque élément pour le conseil conformément aux articles 13 à 38.
3. Additionner les sommes calculées pour le conseil aux termes de la disposition 2.
4. Redresser la somme calculée aux termes de la disposition 3, conformément à l'article 40.
5. Déduire la somme calculée aux termes de la disposition 1 pour le conseil de la somme calculée aux termes de la disposition 4 pour le conseil.
6. Déduire les droits reçus par le conseil aux termes de l'article 4 du règlement sur les droits de 1998-1999.
7. Déduire la somme visée au paragraphe 233 (1) de la Loi qui se trouve dans le fonds de réserve du conseil le 31 août 1999, immédiatement avant le virement prévu au paragraphe 233 (2) de la Loi.
8. Ajouter le total des sommes calculées pour le conseil au titre des projets d'immobilisations aux termes du paragraphe 48 (4).
9. Ajouter le total des sommes calculées pour le conseil au titre des projets d'immobilisations aux termes du paragraphe 49 (1).

#### RECETTES FISCALES DE 1998-1999 DES CONSEILS SCOLAIRES DE DISTRICT

12. (1) Pour l'application de la disposition 1 de l'article 11, les recettes fiscales de 1998-1999 d'un conseil scolaire de district sont calculées de la manière suivante :

1. Additionner ce qui suit :
  - i. 38 pour cent du total des sommes remises au conseil à l'égard de l'année civile 1998 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,

- ii. 62 per cent of the total of the amounts distributed to the board in respect of the 1999 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,
  - iii. 38 per cent of the amounts, if any, received by the board in respect of the 1998 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,
  - iv. 62 per cent of the amounts, if any, received by the board in respect of the 1999 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,
  - v. the total of the taxes received by the board in respect of the 1998 calendar year under section 35 of the *Assessment Act*,
  - vi. 38 per cent of the payments in lieu of taxes distributed to the board in respect of the 1998 calendar year under subsection 371.1 (1) of the *Municipal Act*,
  - vii. 62 per cent of the payments in lieu of taxes distributed to the board in respect of the 1999 calendar year under subsection 371.1 (1) of the *Municipal Act*,
  - viii. 38 per cent of the amounts, if any, received by the board in respect of the 1998 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property, and
  - ix. 62 per cent of the amounts, if any, received by the board in respect of the 1999 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property.
2. Deduct the cost incurred in the 1998-99 fiscal year by the board under section 257.7 of the Act in collecting taxes for school purposes in territory without municipal organization, to a maximum of 2 per cent of the sum of,
- i. 38 per cent of the total amount of taxes levied by it in 1998 for school purposes in territory without municipal organization, and
  - ii. 62 per cent of the total amount of taxes levied by it in 1999 for school purposes in territory without municipal organization.
3. Deduct the amounts charged to the board in the 1998-99 fiscal year by a municipal council under section 421 of the *Municipal Act*, including amounts charged under that section as a result of private legislation.
4. If An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, deduct the total of the amounts paid as rebates by the board under section 257.2.1 of the Act in the 1998-99 fiscal year.
- ii. 62 pour cent du total des sommes remises au conseil à l'égard de l'année civile 1999 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,
  - iii. 38 pour cent des sommes éventuelles que le conseil reçoit à l'égard de l'année civile 1998 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,
  - iv. 62 pour cent des sommes éventuelles que le conseil reçoit à l'égard de l'année civile 1999 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,
  - v. le total des impôts que le conseil reçoit à l'égard de l'année civile 1998 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*,
  - vi. 38 pour cent des paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 1998 en vertu du paragraphe 371.1 (1) de la *Loi sur les municipalités*,
  - vii. 62 pour cent des paiements tenant lieu d'impôts remis au conseil à l'égard de l'année civile 1999 en vertu du paragraphe 371.1 (1) de la *Loi sur les municipalités*,
  - viii. 38 pour cent des sommes éventuelles que le conseil reçoit à l'égard de l'année civile 1998 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,
  - ix. 62 pour cent des sommes éventuelles que le conseil reçoit à l'égard de l'année civile 1999 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles.
2. Déduire le coût de la perception des impôts scolaires dans un territoire non érigé en municipalité, qu'a engagé le conseil pendant l'exercice 1998-1999 aux termes de l'article 257.7 de la Loi, jusqu'à concurrence de 2 pour cent de la somme de ce qui suit :
- i. 38 pour cent du total des impôts scolaires qu'il a prélevés en 1998 dans un tel territoire,
  - ii. 62 pour cent du total des impôts scolaires qu'il a prélevés en 1999 dans un tel territoire.
3. Déduire les sommes qu'un conseil municipal a exigées du conseil pendant l'exercice 1998-1999 aux termes de l'article 421 de la *Loi sur les municipalités*, y compris les sommes exigées aux termes de cet article par suite d'une loi d'intérêt privé.
4. En cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, déduire le total des remises que le conseil accorde aux termes de l'article 257.2.1 de la Loi pendant l'exercice 1998-1999.

(2) Amounts paid by the Minister to the board in respect of the 1998 calendar year under section 257.11 of the Act shall be deemed to be amounts distributed to the board in respect of the 1998 calendar year under a provision of the Act referred to in subparagraph i of paragraph 1 of subsection (1).

#### FOUNDATION ALLOCATION

13. For the purposes of paragraph 2 of section 11, the amount of the foundation allocation for a district school board shall be determined as follows:

1. Take the 1998-99 day school average daily enrolment of elementary pupils of the board.
2. Multiply the number determined under paragraph 1 by \$3,367.
3. Take the 1998-99 day school average daily enrolment of secondary pupils of the board.
4. Multiply the number determined under paragraph 3 by \$3,953.
5. Total the products obtained under paragraphs 2 and 4.

#### SPECIAL EDUCATION ALLOCATION

14. For the purposes of paragraph 2 of section 11, the amount of the special education allocation for a district school board shall be determined as follows:

1. Determine the enrolment-based special education amount for the board, in accordance with section 15.
2. Determine the equipment ISA for the board, in accordance with section 16.
3. Determine the program ISA for the board, in accordance with section 17.
4. Determine the programs in facilities amount for the board, in accordance with section 19.
5. Total the amounts determined under paragraphs 1 to 4.

15. For the purposes of paragraph 1 of section 14, the enrolment-based special education amount for the board shall be determined as follows:

1. Take the 1998-99 day school average daily enrolment of elementary pupils of the board.
2. Multiply the number determined under paragraph 1 by \$347.
3. Take the 1998-99 day school average daily enrolment of secondary pupils of the board.
4. Multiply the number determined under paragraph 3 by \$214.
5. Total the amounts determined under paragraphs 2 and 4.

16. (1) For the purposes of subsection (2), an equipment ISA claim for a pupil of a board is an approved equipment ISA claim for the pupil if,

- (a) the board has designated the pupil as an ISA level 1 pupil in accordance with the Ministry publication entitled "Resource Manual for the Special Education Grant Intensive Support Amount (ISA)", dated May 15, 1998;
- (b) the board has made an ISA level 1 claim for expenditures in excess of \$800 for special equipment for the pupil, in

(2) Les sommes que le ministre verse au conseil à l'égard de l'année civile 1998 aux termes de l'article 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 1998 aux termes d'une disposition de la Loi visée à la sous-disposition i de la disposition 1 du paragraphe (1).

#### ÉLÉMENT ÉDUCATION DE BASE

13. Pour l'application de la disposition 2 de l'article 11, l'élément éducation de base d'un conseil scolaire de district est calculé de la manière suivante :

1. Prendre l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
2. Multiplier le nombre obtenu aux termes de la disposition 1 par 3 367 \$.
3. Prendre l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999.
4. Multiplier le nombre obtenu aux termes de la disposition 3 par 3 953 \$.
5. Additionner les produits obtenus aux termes des dispositions 2 et 4.

#### ÉLÉMENT ÉDUCATION DE L'ENFANCE EN DIFFICULTÉ

14. Pour l'application de la disposition 2 de l'article 11, l'élément éducation de l'enfance en difficulté d'un conseil scolaire de district est calculé de la manière suivante :

1. Calculer la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour le conseil, conformément à l'article 15.
2. Calculer l'AAS liée au matériel pour le conseil, conformément à l'article 16.
3. Calculer l'AAS liée aux programmes pour le conseil, conformément à l'article 17.
4. Calculer la somme liée aux programmes dispensés dans des établissements pour le conseil, conformément à l'article 19.
5. Additionner les sommes calculées aux termes des dispositions 1 à 4.

15. Pour l'application de la disposition 1 de l'article 14, la somme liée à l'éducation de l'enfance en difficulté fondée sur l'effectif pour le conseil est calculée de la manière suivante :

1. Prendre l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
2. Multiplier le nombre calculé aux termes de la disposition 1 par 347 \$.
3. Prendre l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999.
4. Multiplier le nombre calculé aux termes de la disposition 3 par 214 \$.
5. Additionner les sommes calculées aux termes des dispositions 2 et 4.

16. (1) Pour l'application du paragraphe (2), une demande d'AAS liée au matériel visant un élève d'un conseil est approuvée si les conditions suivantes sont réunies :

- a) le conseil a désigné l'élève comme élève admissible à une AAS de niveau 1 conformément à la publication du 15 mai 1998 du ministère intitulée «Manuel»;
- b) le conseil a présenté une demande d'AAS de niveau 1 à l'égard des dépenses en matériel spécial destiné à l'élève qui dépassent

accordance with the Ministry publication entitled "Resource Manual for the Special Education Grant Intensive Support Amount (ISA)", dated May 15, 1998; and

- (c) the Minister has approved the designation referred to in clause (a) and the claim referred to in clause (b).

(2) For the purposes of paragraph 2 of section 14, the equipment ISA for a board shall be calculated by totalling the approved equipment ISA claims for pupils of the board.

17. For the purposes of paragraph 3 of section 14, the program ISA for a board is the greater of,

- (a) the amount specified in Column 2 of Table 1, opposite the name of the board, multiplied by the 1998-99 day school average daily enrolment of pupils of the board; and
- (b) the ISA level 2 and 3 funding total determined for the board under subsection 18 (5).

18. (1) For the purposes of subsection (2), a pupil of a board is a pupil approved for ISA level 2 funding if,

- (a) the board has designated the pupil as an ISA level 2 pupil in accordance with the Ministry publication entitled "Resource Manual for the Special Education Grant Intensive Support Amount (ISA)", dated May 15, 1998; and
- (b) the Minister has approved the designation referred to in clause (a).

(2) The ISA level 2 funding for a board shall be calculated by multiplying the number of approved ISA level 2 pupils of the board by \$12,000.

(3) For the purposes of subsection (4), a pupil of a board is a pupil approved for ISA level 3 funding if,

- (a) the board has designated the pupil as an ISA level 3 pupil in accordance with the Ministry publication entitled "Resource Manual for the Special Education Grant Intensive Support Amount (ISA)", dated May 15, 1998; and
- (b) the Minister has approved the designation referred to in clause (a).

(4) The ISA level 3 funding for a board shall be calculated by multiplying the number of approved ISA level 3 pupils of the board by \$27,000.

(5) The ISA level 2 and 3 funding total for a board shall be calculated by adding the amount determined for the board under subsection (2) to the amount determined for the board under subsection (4).

19. (1) For the purposes of paragraph 4 of section 14, the programs in facilities amount for a board is the total of the amounts determined under this section for each education program provided by the board in a facility described or named in subsection (2) where,

- (a) the facility is located within the area of jurisdiction of the board;
- (b) the board employs a teacher to provide the education program;
- (c) no education program is provided by any Ministry in the facility;
- (d) the board has entered into a written agreement with the facility setting out,

800 \$, conformément à la publication du 15 mai 1998 du ministère intitulée «Manuel»;

- c) le ministre a approuvé la désignation visée à l'alinéa a) et la demande visée à l'alinéa b).

(2) Pour l'application de la disposition 2 de l'article 14, l'AAS liée au matériel pour un conseil est calculée en additionnant les demandes d'AAS liées au matériel approuvées à l'égard des élèves du conseil.

17. Pour l'application de la disposition 3 de l'article 14, l'AAS liée aux programmes pour un conseil correspond à la plus élevée des sommes suivantes :

- a) le produit de la somme précisée à la colonne 2 du tableau 1, en regard du nom du conseil, et de l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999;
- b) le total des AAS de niveau 2 et 3 calculé pour le conseil aux termes du paragraphe 18 (5).

18. (1) Pour l'application du paragraphe (2), un élève d'un conseil est un élève approuvé à l'égard d'une AAS de niveau 2 si les conditions suivantes sont réunies :

- a) le conseil a désigné l'élève comme élève admissible à une AAS de niveau 2 conformément à la publication du 15 mai 1998 du ministère intitulée «Manuel»;
- b) le ministre a approuvé la désignation visée à l'alinéa a).

(2) L'AAS de niveau 2 pour un conseil est calculée en multipliant le nombre d'élèves du conseil approuvés à l'égard d'une AAS de niveau 2 par 12 000 \$.

(3) Pour l'application du paragraphe (4), un élève d'un conseil est un élève approuvé à l'égard d'une AAS de niveau 3 si les conditions suivantes sont réunies :

- a) le conseil a désigné l'élève comme élève admissible à une AAS de niveau 3 conformément à la publication du 15 mai 1998 du ministère intitulée «Manuel»;
- b) le ministre a approuvé la désignation visée à l'alinéa a).

(4) L'AAS de niveau 3 pour un conseil est calculée en multipliant le nombre d'élèves du conseil approuvés à l'égard d'une AAS de niveau 3 par 27 000 \$.

(5) Le total des AAS de niveau 2 et 3 pour un conseil est calculé en ajoutant la somme calculée pour le conseil aux termes du paragraphe (2) à la somme calculée pour le conseil aux termes du paragraphe (4).

19. (1) Pour l'application de la disposition 4 de l'article 14, la somme liée aux programmes dispensés dans des établissements pour un conseil correspond au total des sommes calculées aux termes du présent article pour chaque programme d'enseignement qu'il dispense dans un établissement visé ou désigné au paragraphe (2) si les conditions suivantes sont réunies :

- a) l'établissement est situé dans le territoire de compétence du conseil;
- b) le conseil emploie un enseignant pour dispenser le programme d'enseignement;
- c) aucun ministère n'offre de programme d'enseignement dans l'établissement;
- d) le conseil a conclu avec l'établissement une entente écrite qui précise :

- (i) the responsibilities of the facility for the provision of accommodation, and
- (ii) the responsibilities of the board for the provision of the education program, including the number of teachers to be employed by the board for the purposes of the program; and

(e) the Minister,

- (i) is satisfied that the agreement referred to in clause (d) adequately sets out the responsibilities of the board and the facility,
- (ii) has approved the board's staffing plan for the program, and
- (iii) is satisfied that there is a need for the provision of such a program by the board in the facility.

(2) The following are facilities for the purposes of this section:

1. A psychiatric facility.
2. An approved charitable institution as defined in the *Charitable Institutions Act*.
3. An agency approved under subsection 8 (1) of the *Child and Family Services Act*.
4. An approved home as defined in the *Homes for Retarded Persons Act*.
5. A place of temporary detention, open custody or secure custody continued or established under section 89 of the *Child and Family Services Act*.
6. A home for special care licensed under the *Homes for Special Care Act*.
7. A facility classified as a Group K Hospital in Regulation 964 of the Revised Regulations of Ontario, 1990 made under the *Public Hospitals Act*.
8. The Hospital for Sick Children, in Toronto.
9. The Children's Hospital of Eastern Ontario, in Ottawa.
10. The London Health Sciences Centre, in London.
11. The Lyndhurst Hospital.
12. A hospital in which an education program was discontinued after December 31, 1980 as a result of the dissolution of a board established under section 68 of the Act.
13. A nursing home approved or licensed under the *Nursing Homes Act*.
14. A correctional institution as defined in the *Ministry of Correctional Services Act*.
15. A place of secure or open custody or a place of temporary detention designated for the purposes of the *Young Offenders Act* (Canada).

(3) Subject to subsections (5) and (7), the amount for an education program referred to in subsection (1) shall be determined as follows:

1. Determine the expenditure of the board in the 1998-99 fiscal year for salary and employee benefits of teachers employed by the board to provide the program. The amount determined under this paragraph shall not exceed the amount that could be expended by the board for salary and employee benefits of teachers under the staffing plan referred to in clause (1) (e).

- (i) d'une part, les responsabilités de l'établissement en ce qui concerne la fourniture de facilités d'accueil,
- (ii) d'autre part, les responsabilités du conseil en ce qui concerne la prestation du programme d'enseignement, notamment le nombre d'enseignants qu'il doit employer aux fins du programme;

e) le ministre :

- (i) est convaincu que l'entente visée à l'alinéa d) précise adéquatement les responsabilités du conseil et de l'établissement,
- (ii) a approuvé le plan de dotation élaboré par le conseil à l'égard du programme,
- (iii) est convaincu qu'il est nécessaire que le conseil dispense un tel programme dans l'établissement.

(2) Les établissements suivants sont des établissements pour l'application du présent article :

1. Les établissements psychiatriques.
2. Les établissements de bienfaisance agréés au sens de la *Loi sur les établissements de bienfaisance*.
3. Les agences agréées en vertu du paragraphe 8 (1) de la *Loi sur les services à l'enfance et à la famille*.
4. Les foyers agréés au sens de la *Loi sur les foyers pour déficients mentaux*.
5. Les lieux de détention provisoire, de garde en milieu ouvert ou de garde en milieu fermé maintenus ou mis sur pied en vertu de l'article 89 de la *Loi sur les services à l'enfance et à la famille*.
6. Les foyers de soins spéciaux titulaires d'un permis en vertu de la *Loi sur les foyers de soins spéciaux*.
7. Les établissements classés comme hôpitaux du groupe K dans le Règlement 964 des Règlements refondus de l'Ontario de 1990 pris en application de la *Loi sur les hôpitaux publics*.
8. L'hôpital de Toronto appelé Hospital for Sick Children.
9. L'Hôpital pour enfants de l'est de l'Ontario d'Ottawa.
10. L'hôpital de London appelé London Health Sciences Centre.
11. L'hôpital appelé Lyndhurst Hospital.
12. Les hôpitaux dans lesquels un programme d'enseignement n'est plus dispensé depuis le 31 décembre 1980 par suite de la dissolution d'un conseil créé en vertu de l'article 68 de la Loi.
13. Les maisons de soins infirmiers agréées ou titulaires d'un permis en vertu de la *Loi sur les maisons de soins infirmiers*.
14. Les établissements correctionnels au sens de la *Loi sur le ministère des Services correctionnels*.
15. Les lieux de garde en milieu fermé ou en milieu ouvert ou les lieux de détention provisoire désignés pour l'application de la *Loi sur les jeunes contrevenants* (Canada).

(3) Sous réserve des paragraphes (5) et (7), la somme liée à un programme d'enseignement visée au paragraphe (1) est calculée de la manière suivante :

1. Calculer les dépenses que le conseil a engagées au cours de l'exercice 1998-1999 au titre des salaires et des avantages sociaux des enseignants qu'il emploie pour dispenser le programme. La somme calculée aux termes de la présente disposition ne doit pas dépasser celle qu'il pourrait engager au titre des salaires et des avantages sociaux des enseignants dans le cadre du plan de dotation visé à l'alinéa (1) e).

2. Multiply the number of full-time equivalent teachers employed by the board to provide the program by \$2,500. For the purposes of this paragraph, the counting practices usually followed by the board for staffing purposes shall be followed.
  3. Determine the expenditure of the board in the 1998-99 fiscal year for salary and employee benefits of teacher assistants employed by the board to assist teachers in providing the program. The amount determined under this paragraph shall not exceed the amount that could be expended by the board for salary and employee benefits of teacher assistants under the staffing plan referred to in clause (1) (c).
  4. Multiply the number of full-time equivalent teacher assistants employed by the board to assist teachers in providing the program by \$1,220. For the purposes of this paragraph, the counting practices usually followed by the board for staffing purposes shall be followed.
  5. Determine the expenditure of the board in the 1998-99 fiscal year for the purchase of furniture or equipment for any classroom used in the program. The amount determined for a classroom under this paragraph, added to the total of any amounts received under any predecessor of this paragraph for the classroom, shall not exceed \$3,300.
  6. Total the amounts determined under paragraphs 1 to 5.
- (4) Subsection (5) applies where,
- (a) the circumstances described in clauses (1) (a) to (e) apply; and
  - (b) the education program was previously provided in the facility by the Ministry.
- (5) Subject to subsection (7), in the circumstances described in subsection (4), the amount referred to in subsection (1) shall be an amount equal to the cost for the program that is proposed by the board and approved by the Minister, instead of the amount determined under subsection (3).
- (6) In giving approvals under clause (1) (e) and subsection (5), the Minister shall ensure that the total of the amounts calculated for all boards under subsections (1) to (5) does not exceed \$67 million.
- (7) The amount determined for an education program under subsection (3) or (5) shall be reduced by the amount specified by the Minister under subsection (8) if the program,
- (a) operates on a smaller scale than was projected in the materials submitted by the board for consideration by the Minister for the purposes of clause (1) (e);
  - (b) does not operate during the 1998-99 school year; or
  - (c) ceases to operate during the 1998-99 school year.
- (8) For the purposes of subsection (7), the Minister shall specify an amount, if any, that in his or her opinion is appropriate having regard to the reasonable costs of the board in connection with the program.
20. (1) Subsections (2) and (3) apply where an ISA level 1 claim has been approved for one board under section 16 in respect of a pupil and the pupil enrolls in a school operated by second board during the 1998-99 fiscal year.
- (2) The equipment for which the ISA level 1 claim was approved shall move with the pupil from the first board to the second board, unless in the opinion of the second board moving the equipment is not practical.
2. Multiplier le nombre d'enseignants à temps plein ou l'équivalent que le conseil emploie pour dispenser le programme par 2 500 \$. Pour l'application de la présente disposition, le dénombrement se fait selon les méthodes qu'il utilise habituellement aux fins de la dotation.
  3. Calculer les dépenses que le conseil a engagées au cours de l'exercice 1998-1999 au titre des salaires et des avantages sociaux des aides-enseignants qu'il emploie pour aider les enseignants à dispenser le programme. La somme calculée aux termes de la présente disposition ne doit pas dépasser celle qu'il pourrait engager au titre des salaires et des avantages sociaux des aides-enseignants dans le cadre du plan de dotation visé à l'alinéa (1) e).
  4. Multiplier le nombre d'aides-enseignants à temps plein ou l'équivalent que le conseil emploie pour aider les enseignants à dispenser le programme par 1 220 \$. Pour l'application de la présente disposition, le dénombrement se fait selon les méthodes qu'il utilise habituellement aux fins de la dotation.
  5. Calculer les dépenses que le conseil a engagées au cours de l'exercice 1998-1999 pour acheter des meubles ou du matériel pour les salles de classe utilisées dans le cadre du programme. Le total de la somme calculée pour une salle de classe aux termes de la présente disposition et du total des sommes reçues à l'égard de cette classe aux termes de toute disposition qui remplace la présente disposition ne doit pas dépasser 3 300 \$.
  6. Additionner les sommes calculées aux termes des dispositions 1 à 5.
- (4) Le paragraphe (5) s'applique si les conditions suivantes sont réunies :
- a) les circonstances visées aux alinéas (1) a) à e) s'appliquent;
  - b) le ministère offrait auparavant le programme d'enseignement dans l'établissement.
- (5) Sous réserve du paragraphe (7), dans les circonstances visées au paragraphe (4), la somme visée au paragraphe (1) est égale au coût du programme que propose le conseil et qu'approuve le ministre plutôt qu'à la somme calculée aux termes du paragraphe (3).
- (6) Lorsqu'il donne les approbations visées à l'alinéa (1) e) et au paragraphe (5), le ministre veille à ce que le total des sommes calculées pour tous les conseils aux termes des paragraphes (1) à (5) ne dépasse pas 67 millions de dollars.
- (7) La somme calculée pour un programme d'enseignement aux termes du paragraphe (3) ou (5) est réduite de la somme que précise le ministre aux termes du paragraphe (8) si le programme, selon le cas :
- a) a une envergure moins grande que ne le prévoit la documentation que le conseil soumet à l'examen du ministre pour l'application de l'alinéa (1) e);
  - b) n'est pas dispensé pendant l'année scolaire 1998-1999;
  - c) cesse d'être dispensé pendant l'année scolaire 1998-1999.
- (8) Pour l'application du paragraphe (7), le ministre précise la somme éventuelle qui, à son avis, est indiquée compte tenu des frais raisonnables que le conseil engage à l'égard du programme.
20. (1) Les paragraphes (2) et (3) s'appliquent si une demande d'AAS de niveau 1 a été approuvée pour un conseil aux termes de l'article 16 à l'égard d'un élève qui s'inscrit à une école qui relève d'un second conseil pendant l'exercice 1998-1999.
- (2) Le matériel à l'égard duquel la demande d'AAS de niveau 1 a été approuvée suit l'élève du premier conseil au second conseil, sauf si ce dernier est d'avis qu'il n'est pas pratique de déménager le matériel.



(3) Any unspent part of the ISA level 1 claim amount approved in respect of the pupil shall be deducted from the amount determined under subsection 16 (2) for the first board and added to the amount determined under subsection 16 (2) for the second board.

(4) Subsection (5) applies where,

- (a) the amount determined for a board under clause 17 (b) is greater than the amount determined for the board under clause 17 (a); and
- (b) a pupil in respect of whom an amount has been calculated for the board under subsection 18 (2) or (4) enrolls in a school operated by a second board during the 1998-99 fiscal year.

(5) The amount calculated for the first board under subsection 18 (2) or (4) in respect of the pupil shall be apportioned between the two boards, in the proportions that the Minister considers appropriate having regard to the costs of the boards in connection with providing the pupil's special education program.

#### LANGUAGE ALLOCATION—ENGLISH-LANGUAGE DISTRICT SCHOOL BOARDS

**21.** For the purposes of paragraph 2 of section 11, the amount of the language allocation for an English-language district school board shall be determined as follows:

- 1. Determine the French as a second language amount for the board, in accordance with section 22.
- 2. Determine the Native as a second language amount for the board, in accordance with section 23.
- 3. Determine the ESL/ESD amount for the board, in accordance with section 24.
- 4. Total the amounts determined under paragraphs 1, 2 and 3.

**22.** (1) For the purposes of paragraph 1 of section 21, the French as a second language amount for the board shall be determined as follows:

- 1. Determine the French as a second language amount for elementary pupils of the board, in accordance with subsection (3).
- 2. Determine the French as a second language amount for secondary pupils of the board, in accordance with subsection (5).
- 3. Total the amounts determined under paragraphs 1 and 2.

(2) In subsection (3),

“instruction in French” means instruction in the subject of French or instruction in any other subject if the language of instruction is French.

(3) For the purposes of paragraph 1 of subsection (1), the French as a second language amount for elementary pupils of the board shall be determined as follows:

- 1. Determine the number of pupils of the board enrolled in any of grades four to eight who, on October 31, 1998, are scheduled to take instruction in French for an average of 20 or more minutes but less than 60 minutes per school day. Multiply by \$229.
- 2. Determine the number of pupils of the board enrolled in any of grades four to eight who, on October 31, 1998, are scheduled to take instruction in French for an average of 60 or more minutes but less than 150 minutes per school day. Multiply by \$260.

(3) Toute fraction non dépensée de la demande d'AAS de niveau 1 approuvée à l'égard de l'élève est déduite de la somme calculée aux termes du paragraphe 16 (2) pour le premier conseil et est ajoutée à la somme calculée aux termes du même paragraphe pour le second conseil.

(4) Le paragraphe (5) s'applique si les conditions suivantes sont réunies :

- a) la somme calculée pour un conseil aux termes de l'alinéa 17 b) est supérieure à celle calculée pour lui aux termes de l'alinéa 17 a);
- b) l'élève à l'égard duquel une somme a été calculée pour le conseil aux termes du paragraphe 18 (2) ou (4) s'inscrit à une école qui relève d'un second conseil pendant l'exercice 1998-1999.

(5) La somme calculée pour le premier conseil aux termes du paragraphe 18 (2) ou (4) à l'égard de l'élève est répartie entre les deux conseils, dans la proportion que le ministre estime indiquée compte tenu des frais que les deux conseils engagent relativement au programme d'enseignement à l'enfance en difficulté dispensé à l'élève.

#### ÉLÉMENT ENSEIGNEMENT DES LANGUES — CONSEILS SCOLAIRES DE DISTRICT DE LANGUE ANGLAISE

**21.** Pour l'application de la disposition 2 de l'article 11, l'élément enseignement des langues pour un conseil scolaire de district de langue anglaise est calculé de la manière suivante :

- 1. Calculer la somme liée aux programmes de français langue seconde pour le conseil, conformément à l'article 22.
- 2. Calculer la somme liée aux programmes de langue autochtone langue seconde pour le conseil, conformément à l'article 23.
- 3. Calculer la somme liée aux programmes d'ESL/ESD pour le conseil, conformément à l'article 24.
- 4. Additionner les sommes calculées aux termes des dispositions 1, 2 et 3.

**22.** (1) Pour l'application de la disposition 1 de l'article 21, la somme liée aux programmes de français langue seconde pour le conseil est calculée de la manière suivante :

- 1. Calculer la somme liée aux programmes de français langue seconde pour les élèves de l'élémentaire du conseil, conformément au paragraphe (3).
- 2. Calculer la somme liée aux programmes de français langue seconde pour les élèves du secondaire du conseil, conformément au paragraphe (5).
- 3. Additionner les sommes calculées aux termes des dispositions 1 et 2.

(2) La définition qui suit s'applique au paragraphe (3).

«enseignement en français» Enseignement du français comme matière ou enseignement de toute autre matière si la langue d'enseignement est le français.

(3) Pour l'application de la disposition 1 du paragraphe (1), la somme liée aux programmes de français langue seconde pour les élèves de l'élémentaire du conseil est calculée de la manière suivante :

- 1. Calculer le nombre d'élèves du conseil inscrits aux quatrième, cinquième, sixième, septième et huitième années qui, le 31 octobre 1998, ont un emploi du temps prévoyant un enseignement en français pendant 20 minutes ou plus, mais moins de 60 minutes, en moyenne par jour de classe. Multiplier par 229 \$.
- 2. Calculer le nombre d'élèves du conseil inscrits aux quatrième, cinquième, sixième, septième et huitième années qui, le 31 octobre 1998, ont un emploi du temps prévoyant un enseignement en français pendant 60 minutes ou plus, mais moins de 150 minutes, en moyenne par jour de classe. Multiplier par 260 \$.

3. Determine the number of pupils of the board enrolled in any of grades one to eight who, on October 31, 1998, are scheduled to take instruction in French for an average of 150 or more minutes per school day. Multiply by \$291.
4. Determine the number of pupils of the board enrolled in junior kindergarten or kindergarten who, on October 31, 1998, are scheduled to take instruction in French for an average of 75 minutes or more per school day. Multiply by \$291.
5. Total the products obtained under paragraphs 1 to 4.

(4) In subsection (5),

“course” means a course at the secondary level that is assigned a common course code in the list of common course codes published by the Ministry; (“cours”)

“credit equivalent value” of a part of a grade nine program in which a pupil in grade nine is enrolled means the number of credit equivalents that the pupil is eligible to earn on successfully completing that part of the program; (“valeur en équivalences en crédits”)

“credit value” of a course in which a pupil is enrolled means the number of credits that the pupil is eligible to earn on successfully completing the course. (“valeur en crédits”)

(5) For the purposes of paragraph 2 of subsection (1), the French as a second language amount for secondary pupils of the board shall be determined as follows:

1. Determine an amount for grade nine instruction in the subject of French, as follows:
  - i. Determine the credit equivalent value of each part of the grade nine program taught on a non-semestered basis in which instruction is given to pupils of the board in the subject of French. Multiply the credit equivalent value by the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.
  - ii. Determine the credit equivalent value of each part of the grade nine program taught on a semestered basis in which instruction is given to pupils of the board in the subject of French. Multiply the credit equivalent value by the total of the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998 and the number of grade nine pupils of the board enrolled in that part of the program on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.
  - iii. Add the products obtained for the board under subparagraphs i and ii.
  - iv. Multiply the sum obtained under subparagraph iii by \$57.
2. Determine an amount for grade nine instruction in a subject other than French where the language of instruction is French, as follows:
  - i. Determine the credit equivalent value of each part of the grade nine program taught on a non-semestered basis in which instruction is given to pupils of the board in a subject other than French and for which the language of instruction is French. Multiply the credit equivalent value by the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.
  - ii. Determine the credit equivalent value of each part of the grade nine program taught on a semestered basis in which instruction is given to pupils of the board in a subject other than French and for which the language of instruction is

3. Calculer le nombre d'élèves du conseil inscrits aux huit premières années d'études qui, le 31 octobre 1998, ont un emploi du temps prévoyant un enseignement en français pendant 150 minutes ou plus en moyenne par jour de classe. Multiplier par 291 \$.
4. Calculer le nombre d'élèves du conseil inscrits à la maternelle ou au jardin d'enfants qui, le 31 octobre 1998, ont un emploi du temps prévoyant un enseignement en français pendant 75 minutes ou plus en moyenne par jour de classe. Multiplier par 291 \$.

5. Additionner les produits obtenus aux termes des dispositions 1 à 4.

(4) Les définitions qui suivent s'appliquent au paragraphe (5).

«cours» Cours du niveau secondaire qui a reçu un code du système uniforme de codage des cours publié par le ministère. («course»)

«valeur en crédits» Relativement à un cours auquel est inscrit un élève, s'entend du nombre de crédits que celui-ci a le droit d'obtenir lorsqu'il termine le cours avec succès. («credit value»)

«valeur en équivalences en crédits» Relativement à la partie d'un programme de neuvième année à laquelle est inscrit un élève de neuvième année, s'entend du nombre d'équivalences en crédits que celui-ci a le droit d'obtenir lorsqu'il termine cette partie du programme avec succès. («credit equivalent value»)

(5) Pour l'application de la disposition 2 du paragraphe (1), la somme liée aux programmes de français langue seconde pour les élèves du secondaire du conseil est calculée de la manière suivante :

1. Calculer la somme liée à l'enseignement du français en neuvième année, de la manière suivante :
  - i. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base non semestrielle dans laquelle le français est enseigné comme matière aux élèves du conseil. Multiplier la valeur en équivalences en crédits par le nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - ii. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base semestrielle dans laquelle le français est enseigné comme matière aux élèves du conseil. Multiplier la valeur en équivalences en crédits par le total du nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.
  - iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 57 \$.
2. Calculer la somme liée à l'enseignement en neuvième année d'une matière autre que le français si la langue d'enseignement est le français, de la manière suivante :
  - i. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base non semestrielle dans laquelle une matière autre que le français est enseignée aux élèves du conseil en français. Multiplier la valeur en équivalences en crédits par le nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - ii. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base semestrielle dans laquelle une matière autre que le français est enseignée aux élèves du conseil en français. Multiplier la



French. Multiply the credit equivalent value by the total of the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998 and the number of grade nine pupils of the board enrolled in that part of the program on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.

iii. Add the products obtained for the board under subparagraphs i and ii.

iv. Multiply the sum obtained under subparagraph iii by \$94.

3. Determine an amount for grade ten instruction in the subject of French, as follows:

i. Determine the credit value of each course in the subject of French that is taught to grade ten pupils of the board on a non-semestered basis. Multiply the credit value by the number of grade ten pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.

ii. Determine the credit value of each course in the subject of French that is taught to grade ten pupils of the board on a semestered basis. Multiply the credit value by the total of the number of grade ten pupils of the board enrolled in the course on October 31, 1998 and the number of grade ten pupils of the board enrolled in the course on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.

iii. Add the products obtained for the board under subparagraphs i and ii.

iv. Multiply the sum obtained under subparagraph iii by \$57.

4. Determine an amount for grade ten instruction in a subject other than French where the language of instruction is French, as follows:

i. Determine the credit value of each course in a subject other than French that is taught in French to grade ten pupils of the board on a non-semestered basis. Multiply the credit value by the number of grade ten pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.

ii. Determine the credit value of each course in a subject other than French that is taught in French to grade ten pupils of the board on a semestered basis. Multiply the credit value by the total of the number of grade ten pupils of the board enrolled in the course on October 31, 1998 and the number of grade ten pupils of the board enrolled in the course on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.

iii. Add the products obtained for the board under subparagraphs i and ii.

iv. Multiply the sum obtained under subparagraph iii by \$94.

5. Determine an amount for grade eleven, twelve and OAC instruction in the subject of French, as follows:

i. Determine the credit value of each course in the subject of French that is taught to grade eleven, twelve or OAC pupils of the board on a non-semestered basis. Multiply the credit value by the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.

valeur en équivalences en crédits par le total du nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.

iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 94 \$.

3. Calculer la somme liée à l'enseignement du français en dixième année, de la manière suivante :

i. Calculer la valeur en crédits de chaque cours de français enseigné sur une base non semestrielle aux élèves de dixième année du conseil. Multiplier la valeur en crédits par le nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

ii. Calculer la valeur en crédits de chaque cours de français enseigné sur une base semestrielle aux élèves de dixième année du conseil. Multiplier la valeur en crédits par le total du nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.

iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 57 \$.

4. Calculer la somme liée à l'enseignement en dixième année d'une matière autre que le français si la langue d'enseignement est le français, de la manière suivante :

i. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base non semestrielle aux élèves de dixième année du conseil. Multiplier la valeur en crédits par le nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

ii. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base semestrielle aux élèves de dixième année du conseil. Multiplier la valeur en crédits par le total du nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.

iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 94 \$.

5. Calculer la somme liée à l'enseignement du français en onzième année, en douzième année et dans un cours préuniversitaire de l'Ontario, de la manière suivante :

i. Calculer la valeur en crédits de chaque cours de français enseigné sur une base non semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le nombre d'élèves de onzième année, de douzième année et d'un cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.

- ii. Determine the credit value of each course in the subject of French that is taught to grade eleven, twelve or OAC pupils of the board on a semestered basis. Multiply the credit value by the total of the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998 and the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.
  - iii. Add the products obtained for the board under subparagraphs i and ii.
  - iv. Multiply the sum obtained under subparagraph iii by \$75.
6. Determine an amount for grade eleven, twelve and OAC instruction in a subject other than French where the language of instruction is French, as follows:
- i. Determine the credit value of each course in a subject other than French that is taught in French to grade eleven, twelve or OAC pupils of the board on a non-semestered basis. Multiply the credit value by the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998.
  - ii. Determine the credit value of each course in a subject other than French that is taught in French to grade eleven, twelve or OAC pupils of the board on a semestered basis. Multiply the credit value by the total of the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998 and the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998.
  - iii. Add the products obtained for the board under subparagraphs i and ii.
  - iv. Multiply the sum obtained under subparagraph iii by \$145.
7. Total the dollar amounts determined under paragraphs 1 to 6.
23. (1) For the purposes of paragraph 2 of section 21, the Native as a second language amount for the board shall be determined as follows:
1. Determine the Native as a second language amount for elementary pupils of the board, in accordance with subsection (2).
  2. Determine the Native as a second language amount for secondary pupils of the board, in accordance with subsection (4).
3. Total the amounts determined under paragraphs 1 and 2.
- (2) For the purposes of paragraph 1 of subsection (1), the Native as a second language amount for elementary pupils of the board shall be determined as follows:
1. Determine the number of elementary school pupils of the board who, on October 31, 1998, are scheduled to take instruction in the subject of a Native language for an average of 20 or more minutes but less than 40 minutes per school day. Multiply by \$219.
  2. Determine the number of elementary school pupils of the board who, on October 31, 1998, are scheduled to take instruction in the subject of a Native language for an average of 40 or more minutes per school day. Multiply by \$389.
- ii. Calculer la valeur en crédits de chaque cours de français enseigné sur une base semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le total du nombre d'élèves de onzième année, de douzième année et du cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998 et de leur nombre d'élèves le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.
  - iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 75 \$.
6. Calculer la somme liée à l'enseignement en onzième année, en douzième année et à un cours préuniversitaire de l'Ontario d'une matière autre que le français si la langue d'enseignement est le français, de la manière suivante :
- i. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base non semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le nombre d'élèves de onzième année, de douzième année et du cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - ii. Calculer la valeur en crédits de chaque cours dont la matière n'est pas le français et qui est enseigné en français sur une base semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le total du nombre d'élèves de onzième année, de douzième année et du cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  - iii. Additionner les produits obtenus pour le conseil aux termes des sous-dispositions i et ii.
  - iv. Multiplier le total obtenu aux termes de la sous-disposition iii par 145 \$.
7. Additionner les sommes calculées aux termes des dispositions 1 à 6.
23. (1) Pour l'application de la disposition 2 de l'article 21, la somme liée aux programmes de langue autochtone langue seconde du conseil est calculée de la manière suivante :
1. Calculer la somme liée aux programmes de langue autochtone langue seconde pour les élèves de l'élémentaire du conseil, conformément au paragraphe (2).
  2. Calculer la somme liée aux programmes de langue autochtone langue seconde pour les élèves du secondaire du conseil, conformément au paragraphe (4).
3. Additionner les sommes calculées aux termes des dispositions 1 et 2.
- (2) Pour l'application de la disposition 1 du paragraphe (1), la somme liée aux programmes de langue autochtone langue seconde pour les élèves de l'élémentaire du conseil est calculée de la manière suivante :
1. Calculer le nombre d'élèves de l'élémentaire du conseil qui, le 31 octobre 1998, ont un emploi du temps prévoyant l'enseignement d'une langue autochtone pendant 20 minutes ou plus, mais moins de 40 minutes, en moyenne par jour de classe. Multiplier par 219 \$.
  2. Calculer le nombre d'élèves de l'élémentaire du conseil qui, le 31 octobre 1998, ont un emploi du temps prévoyant l'enseignement d'une langue autochtone pendant 40 minutes ou plus en moyenne par jour de classe. Multiplier par 389 \$.

3. Total the products obtained under paragraphs 1 and 2.

(3) In subsection (4),

“course” means a course at the secondary level that is assigned a common course code in the list of common course codes published by the Ministry; (“cours”)

“credit equivalent value” of a part of a grade nine program in which a pupil in grade nine is enrolled means the number of credit equivalents that the pupil is eligible to earn on successfully completing that part of the program; (“valeur en équivalences en crédits”)

“credit value” of a course in which a pupil is enrolled means the number of credits that the pupil is eligible to earn on successfully completing the course. (“valeur en crédits”)

(4) For the purposes of paragraph 2 of subsection (1), the Native as a second language amount for secondary pupils of the board shall be determined as follows:

1. Determine the credit equivalent value of each part of the grade nine program taught on a non-semestered basis in which instruction is given to pupils of the board in the subject of a Native language. Multiply the credit equivalent value by the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$57.
2. Determine the credit equivalent value of each part of the grade nine program taught on a semestered basis in which instruction is given to pupils of the board in the subject of a Native language. Multiply the credit equivalent value by the total of the number of grade nine pupils of the board enrolled in that part of the program on October 31, 1998 and the number of grade nine pupils enrolled in that part of the program on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$57.
3. Determine the credit value of each course in the subject of a Native language that is taught on a non-semestered basis to grade ten pupils of the board. Multiply the credit value by the number of grade ten pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$57.
4. Determine the credit value of each course in the subject of a Native language that is taught on a semestered basis to grade ten pupils of the board. Multiply the credit value by the total of the number of grade ten pupils of the board enrolled in the course on October 31, 1998 and the number of grade ten pupils of the board enrolled in the course on March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$57.
5. Determine the credit value of each course in the subject of a Native language that is taught on a non-semestered basis to grade eleven, twelve or OAC pupils of the board. Multiply the credit value by the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$75.
6. Determine the credit value of each course in the subject of a Native language that is taught on a semestered basis to grade eleven, twelve or OAC pupils of the board. Multiply the credit value by the total of the number of grade eleven, twelve and OAC pupils of the board enrolled in the course on October 31, 1998 and the number of grade eleven, twelve and OAC pupils of the board enrolled in the course of March 31, 1999, excluding pupils who are 21 years of age or more on December 31, 1998. Multiply the product by \$75.

3. Additionner les produits obtenus aux termes des dispositions 1 et 2.

(3) Les définitions qui suivent s'appliquent au paragraphe (4).

«cours» Cours du niveau secondaire qui a reçu un code du système unifié de codage des cours publié par le ministère. («course»)

«valeur en crédits» Relativement à un cours auquel est inscrit un élève, s'entend du nombre de crédits que celui-ci a le droit d'obtenir lorsqu'il termine le cours avec succès. («credit value»)

«valeur en équivalences en crédits» Relativement à la partie d'un programme de neuvième année à laquelle est inscrit un élève de neuvième année, s'entend du nombre d'équivalences en crédits que celui-ci a le droit d'obtenir lorsqu'il termine cette partie du programme avec succès. («credit equivalent value»)

(4) Pour l'application de la disposition 2 du paragraphe (1), la somme liée aux programmes de langue autochtone langue seconde pour les élèves du secondaire du conseil est calculée de la manière suivante :

1. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base non semestrielle dans laquelle une langue autochtone est enseignée comme matière aux élèves du conseil. Multiplier la valeur en équivalences en crédits par le nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 57 \$.
2. Calculer la valeur en équivalences en crédits de chaque partie du programme de neuvième année enseignée sur une base semestrielle dans laquelle une langue autochtone est enseignée comme matière aux élèves du conseil. Multiplier la valeur en équivalences en crédits par le total du nombre d'élèves de neuvième année du conseil inscrits à cette partie du programme le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 57 \$.
3. Calculer la valeur en crédits de chaque cours de langue autochtone enseigné sur une base non semestrielle aux élèves de dixième année du conseil. Multiplier la valeur en crédits par le nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 57 \$.
4. Calculer la valeur en crédits de chaque cours de langue autochtone enseigné aux élèves de dixième année du conseil sur une base semestrielle. Multiplier la valeur en crédits par le total du nombre d'élèves de dixième année du conseil inscrits au cours le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 57 \$.
5. Calculer la valeur en crédits de chaque cours de langue autochtone enseigné sur une base non semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le nombre d'élèves de onzième année, de douzième année et d'un cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 75 \$.
6. Calculer la valeur en crédits de chaque cours de langue autochtone enseigné sur une base semestrielle aux élèves de onzième année, de douzième année ou d'un cours préuniversitaire de l'Ontario du conseil. Multiplier la valeur en crédits par le total du nombre d'élèves de onzième année, de douzième année et d'un cours préuniversitaire de l'Ontario du conseil inscrits au cours le 31 octobre 1998 et de leur nombre le 31 mars 1999, à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier le produit par 75 \$.

7. Total the dollar amounts determined under paragraphs 1 to 6.

24. (1) For the purposes of paragraph 3 of section 21, the ESL/ESD amount for the board shall be determined as follows:

1. Determine, as of October 31, 1998, the number of pupils of the board who entered Canada during the period beginning September 1, 1997 and ending August 31, 1998 from countries described in subsection (2), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 1.0.
2. Determine, as of October 31, 1998, the number of pupils of the board who entered Canada during the period beginning September 1, 1996 and ending August 31, 1997 from countries described in subsection (2), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 0.6.
3. Determine, as of October 31, 1998, the number of pupils of the board who entered Canada during the period beginning September 1, 1995 and ending August 31, 1996 from countries described in subsection (2), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 0.3.

4. Multiply the 1998-99 day school average daily enrolment of pupils of the board by the percentage set out for the board in Table 2.

5. Total the products obtained under paragraphs 1 to 4.

6. Multiply the amount determined under paragraph 5 by \$2,235.

(2) Paragraphs 1 to 3 of subsection (1) apply in respect of,

- (a) countries where English is not the first language of a majority of the population; and
- (b) countries where a majority of the population speaks a variety of English that is so different from the English used as the language of instruction in schools of the board that an ESL or ESD program should be offered to pupils from those countries.

#### LANGUAGE ALLOCATION—FRENCH-LANGUAGE DISTRICT SCHOOL BOARDS

25. For the purposes of paragraph 2 of section 11, the amount of the language allocation for a French-language district school board shall be determined as follows:

1. Determine the French as a first language amount for the board, in accordance with section 26.
2. Determine the Native as a second language amount for the board, in accordance with section 27.
3. Determine the ALF/PDF amount for the board, in accordance with section 28.
4. Total the amounts determined under paragraphs 1, 2 and 3.

26. (1) For the purposes of paragraph 1 of section 25, the French as a first language amount for the board shall be determined as follows:

1. Multiply the 1998-99 day school average daily enrolment of elementary pupils of the board by \$291.
2. Multiply the 1998-99 day school average daily enrolment of secondary pupils of the board by \$460.
3. Determine the start-up amount for new elementary schools of the board, in accordance with subsection (2).

7. Additionner les sommes calculées aux termes des dispositions 1 à 6.

24. (1) Pour l'application de la disposition 3 de l'article 21, la somme liée aux programmes d'ESL/ESD pour le conseil est calculée de la manière suivante :

1. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1997 et qui se termine le 31 août 1998 en provenance de pays visés au paragraphe (2), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 1.
2. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1996 et qui se termine le 31 août 1997 en provenance de pays visés au paragraphe (2), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 0,6.
3. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1995 et qui se termine le 31 août 1996 en provenance de pays visés au paragraphe (2), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 0,3.

4. Multiplier l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999 par le pourcentage fixé pour le conseil au tableau 2.

5. Additionner les produits obtenus aux termes des dispositions 1 à 4.

6. Multiplier le nombre obtenu aux termes de la disposition 5 par 2 235 \$.

(2) Les dispositions 1 à 3 du paragraphe (1) s'appliquent à l'égard des pays suivants :

- a) les pays où l'anglais n'est pas la langue première de la majorité de la population;
- b) les pays où la majorité de la population parle un anglais qui est si différent de l'anglais utilisé comme langue d'enseignement dans les écoles du conseil qu'un programme d'ESL ou d'ESD devrait être offert aux élèves qui viennent de ces pays.

#### ÉLÉMENT ENSEIGNEMENT DES LANGUES — CONSEILS SCOLAIRES DE DISTRICT DE LANGUE FRANÇAISE

25. Pour l'application de la disposition 2 de l'article 11, l'élément enseignement des langues pour un conseil scolaire de district de langue française est calculé de la manière suivante :

1. Calculer la somme liée aux programmes de français langue première pour le conseil, conformément à l'article 26.
2. Calculer la somme liée aux programmes de langue autochtone langue seconde pour le conseil, conformément à l'article 27.
3. Calculer la somme liée aux programmes d'ALF/PDF pour le conseil, conformément à l'article 28.
4. Additionner les sommes calculées aux termes des dispositions 1, 2 et 3.

26. (1) Pour l'application de la disposition 1 de l'article 25, la somme liée aux programmes de français langue première pour le conseil est calculée de la manière suivante :

1. Multiplier l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999 par 291 \$.
2. Multiplier l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999 par 460 \$.
3. Calculer la somme de démarrage pour les nouvelles écoles élémentaires du conseil conformément au paragraphe (2).

4. Total the amounts determined under paragraphs 1, 2 and 3.

(2) For the purposes of paragraph 3 of subsection (1), the start-up amount for new elementary schools of the board shall be determined by multiplying the number of elementary schools of the board that are being governed for the first time by the board in September, 1998 by \$10,800.

27. For the purposes of paragraph 2 of section 25, the Native as a second language amount for the board shall be determined in the manner provided in section 23 for English-language district school boards.

28. (1) For the purposes of this section, a board is coterminous with another board if the areas of jurisdiction of the two boards are wholly or partly the same.

(2) For the purposes of this section,

- (a) the area of jurisdiction of a French-language public district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language public district school boards;
- (b) the area of jurisdiction of a French-language separate district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language separate district school boards; and
- (c) where the area of jurisdiction of a French-language separate district school board is the same as the area of jurisdiction of an English-language separate district school board, the total area of jurisdiction of the French-language separate district school board is one portion.

(3) For the purposes of paragraph 3 of section 25, the ALF/PDF amount for the board shall be determined as follows:

- 1. Determine the ALF funding level for the board in accordance with subsection (4).
- 2. Determine the PDF funding level for the board in accordance with subsection (11).
- 3. Total the amounts determined under paragraphs 1 and 2.

(4) For the purposes of paragraph 1 of subsection (3), the ALF funding level for the board shall be determined as follows:

- 1. Determine the number of elementary instructional units for ALF purposes for each portion of the board, in accordance with subsection (6). The determination under this paragraph shall be accurate to two decimal places.
- 2. Determine the number of secondary instructional units for ALF purposes for each portion of the board, in accordance with subsection (7). The determination under this paragraph shall be accurate to two decimal places.
- 3. For each portion of the board, add the numbers determined under paragraphs 1 and 2.
- 4. Determine the assimilation factor for each portion of the board, in accordance with subsection (8) or (9), as the case may be.
- 5. For each portion of the board, multiply the number determined under paragraph 3 by the factor determined under paragraph 4.
- 6. For each portion of the board, multiply the product determined under paragraph 5 by \$60,000.
- 7. Total the amounts determined for each of the portions of the board under paragraph 6.

4. Additionner les sommes calculées aux termes des dispositions 1, 2 et 3.

(2) Pour l'application de la disposition 3 du paragraphe (1), la somme de démarrage pour les nouvelles écoles élémentaires du conseil est calculée en multipliant le nombre d'écoles élémentaires qui commencent à relever du conseil en septembre 1998 par 10 800 \$.

27. Pour l'application de la disposition 2 de l'article 25, la somme liée aux programmes de langue autochtone langue seconde pour le conseil est calculée de la manière prévue à l'article 23 pour les conseils scolaires de district de langue anglaise.

28. (1) Pour l'application du présent article, un conseil coïncide avec un autre conseil si les territoires de compétence des deux conseils sont en totalité ou en partie les mêmes.

(2) Pour l'application du présent article :

- a) le territoire de compétence d'un conseil scolaire de district public de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district publics de langue anglaise coïncidents;
- b) le territoire de compétence d'un conseil scolaire de district séparé de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district séparés de langue anglaise coïncidents;
- c) si le territoire de compétence d'un conseil scolaire de district séparé de langue française est le même que celui d'un conseil scolaire de district séparé de langue anglaise, la totalité du territoire de compétence du conseil scolaire de district séparé de langue française constitue une seule partie.

(3) Pour l'application de la disposition 3 de l'article 25, la somme liée aux programmes d'ALF/PDF pour le conseil est calculée de la manière suivante :

- 1. Calculer le niveau de financement des programmes d'ALF pour le conseil conformément au paragraphe (4).
- 2. Calculer le niveau de financement des programmes de PDF pour le conseil conformément au paragraphe (11).
- 3. Additionner les sommes obtenues aux termes des dispositions 1 et 2.

(4) Pour l'application de la disposition 1 du paragraphe (3), le niveau de financement des programmes d'ALF pour le conseil est calculé de la manière suivante :

- 1. Calculer le nombre de modules scolaires de l'élémentaire aux fins de l'ALF pour chaque partie du conseil conformément au paragraphe (6). Le calcul effectué aux termes de la présente disposition se fait à deux décimales près.
- 2. Calculer le nombre de modules scolaires du secondaire aux fins de l'ALF pour chaque partie du conseil conformément au paragraphe (7). Le calcul effectué aux termes de la présente disposition se fait à deux décimales près.
- 3. Pour chaque partie du conseil, additionner les nombres calculés aux termes des dispositions 1 et 2.
- 4. Calculer le facteur d'assimilation pour chaque partie du conseil conformément au paragraphe (8) ou (9), selon le cas.
- 5. Pour chaque partie du conseil, multiplier le nombre calculé aux termes de la disposition 3 par le facteur calculé aux termes de la disposition 4.
- 6. Pour chaque partie du conseil, multiplier le produit obtenu aux termes de la disposition 5 par 60 000 \$.
- 7. Additionner les sommes calculées pour chacune des parties du conseil aux termes de la disposition 6.



(5) For the purposes of subsections (6) and (7), the pupils of a board shall be counted on the basis of day school full-time equivalent enrolment for the board as of October 31, 1998.

(6) The number of elementary instructional units for ALF purposes for a portion of the board shall be determined as follows:

1. Allow 0.005 elementary instructional units for ALF purposes for each of the first 200 elementary school pupils of the board who are enrolled in schools located in the portion.
2. Allow 0.0025 elementary instructional units for ALF purposes for each of the next 1,600 elementary school pupils of the board who are enrolled in schools located in the portion.
3. Allow 0.0013 elementary instructional units for ALF purposes for each of the remaining elementary school pupils of the board who are enrolled in schools located in the portion.
4. Total the instructional units allowed for ALF purposes for the portion of the board under paragraphs 1, 2 and 3.

(7) The number of secondary instructional units for ALF purposes for a portion of the board shall be determined as follows:

1. Allow 0.0025 secondary instructional units for ALF purposes for each of the first 1,200 secondary school pupils of the board who are enrolled in schools located in the portion.
2. Allow 0.0013 secondary instructional units for ALF purposes for each of the remaining secondary school pupils of the board who are enrolled in schools located in the portion.
3. Total the instructional units allowed for ALF purposes for the portion of the board under paragraphs 1 and 2.

(8) The assimilation factor for a portion of a French-language public district school board shall be the factor specified in Table 3 for the English-language public district school board the area of jurisdiction of which matches the portion.

(9) The assimilation factor for a portion of a French-language separate district school board shall be the factor specified in Table 3 for the English-language separate district school board the area of jurisdiction of which matches the portion.

(10) For the purposes of subsection (11), a pupil is eligible for PDF funding if,

- (a) the pupil was admitted to a school of the board under section 293 of the Act;
- (b) the pupil entered Canada during the period beginning September 1, 1995 and ending August 31, 1998 from a country in which French is a standard language of schooling or public administration;
- (c) the pupil has one or more of the following characteristics:
  1. The pupil speaks a variety of French that is so different from the French being used as the language of instruction in schools of the board that a PDF program should be offered to the pupil.
  2. The pupil's schooling has been interrupted or delayed.
  3. The pupil has little knowledge of English or French.

(11) For the purposes of paragraph 2 of subsection (3), the PDF funding level for the board shall be determined as follows:

1. Determine, as of October 31, 1998, the number of pupils of the board who are eligible for PDF funding and who entered Canada during the period beginning September 1, 1997 and ending

(5) Pour l'application des paragraphes (6) et (7), les élèves d'un conseil sont dénombrés en fonction de l'effectif de jour à plein temps ou l'équivalent du conseil au 31 octobre 1998.

(6) Le nombre de modules scolaires de l'élémentaire aux fins de l'ALF pour une partie du conseil est calculé de la manière suivante :

1. Prévoir 0,005 module scolaire de l'élémentaire aux fins de l'ALF pour chaque élève de la première tranche de 200 élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
2. Prévoir 0,0025 module scolaire de l'élémentaire aux fins de l'ALF pour chaque élève de la tranche suivante de 1 600 élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
3. Prévoir 0,0013 module scolaire de l'élémentaire aux fins de l'ALF pour chacun des autres élèves de l'élémentaire du conseil qui sont inscrits aux écoles situées dans cette partie.
4. Additionner les modules scolaires prévus aux fins de l'ALF pour la partie du conseil aux termes des dispositions 1, 2 et 3.

(7) Le nombre de modules scolaires du secondaire aux fins de l'ALF pour une partie du conseil est calculé de la manière suivante :

1. Prévoir 0,0025 module scolaire du secondaire aux fins de l'ALF pour chaque élève de la première tranche de 1 200 élèves du secondaire du conseil qui sont inscrits aux écoles situées dans cette partie.
2. Prévoir 0,0013 module scolaire du secondaire aux fins de l'ALF pour chacun des autres élèves du secondaire du conseil qui sont inscrits aux écoles situées dans cette partie.
3. Additionner les modules scolaires prévus aux fins de l'ALF pour la partie du conseil aux termes des dispositions 1 et 2.

(8) Le facteur d'assimilation pour une partie d'un conseil scolaire de district public de langue française correspond au facteur précisé au tableau 3 pour le conseil scolaire de district public de langue anglaise dont le territoire de compétence correspond à la partie.

(9) Le facteur d'assimilation pour une partie d'un conseil scolaire de district séparé de langue française correspond au facteur précisé au tableau 3 pour le conseil scolaire de district séparé de langue anglaise dont le territoire de compétence correspond à la partie.

(10) Pour l'application du paragraphe (11), un élève est admissible au financement au titre du PDF s'il satisfait aux conditions suivantes :

- a) il a été admis à une école du conseil en vertu de l'article 293 de la Loi;
- b) il est arrivé au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1995 et qui se termine le 31 août 1998 en provenance d'un pays où le français est la langue normalisée de l'enseignement ou de l'administration publique;
- c) il répond à un ou à plusieurs des critères suivants :
  1. Il parle un français si différent du français utilisé comme langue d'enseignement dans les écoles du conseil qu'un programme de PDF devrait lui être offert.
  2. Sa scolarité a été interrompue ou retardée.
  3. Il a une faible connaissance de l'anglais ou du français.

(11) Pour l'application de la disposition 2 du paragraphe (3), le niveau de financement des programmes de PDF pour le conseil est calculé de la manière suivante :

1. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont admissibles au financement au titre du PDF et qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre

August 31, 1998 from a country described in clause (10) (b), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 1.0.

2. Determine, as of October 31, 1998, the number of pupils of the board who are eligible for PDF funding and who entered Canada during the period beginning September 1, 1996 and ending August 31, 1997 from a country described in clause (10) (b), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 0.6.
3. Determine, as of October 31, 1998, the number of pupils of the board who are eligible for PDF funding and who entered Canada during the period beginning September 1, 1995 and ending August 31, 1996 from a country described in clause (10) (b), excluding pupils who are 21 years of age or more on December 31, 1998, and multiply that number by 0.3.
4. Total the products obtained under paragraphs 1, 2 and 3.
5. Multiply the amount determined under paragraph 4 by \$2,235.

#### SMALL SCHOOLS ALLOCATION

29. (1) In this section,

“small school”, in relation to an English-language district school board, means,

- (a) an elementary school that has an average of less than 20 pupils per grade and is located eight or more kilometres by road from every other elementary school of the board,
- (b) a secondary school that has an average of less than 120 pupils per grade and is located 32 or more kilometres by road from every other secondary school of the board; (“petite école”)

“small school”, in relation to a French-language district school board, means,

- (a) an elementary school that has an average of less than 20 pupils per grade and is located eight or more kilometres by road from every other elementary school of the board that is located in the same portion of the board's area of jurisdiction,
- (b) a secondary school that has an average of less than 120 pupils per grade and is located 32 or more kilometres by road from every other secondary school of the board that is located in the same portion of the board's area of jurisdiction. (“petite école”)

(2) For the purposes of this section, a board is coterminous with another board if the areas of jurisdiction of the two boards are wholly or partly the same.

(3) For the purposes of this section,

- (a) the area of jurisdiction of a French-language public district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language public district school boards;
- (b) the area of jurisdiction of a French-language separate district school board is divided into portions matching the areas of jurisdiction of the coterminous English-language separate district school boards; and
- (c) where the area of jurisdiction of a French-language separate district school board is the same as the area of jurisdiction of an English-language separate district school board, the total area of jurisdiction of the French-language separate district school board is one portion.

1997 et qui se termine le 31 août 1998 en provenance d'un pays visé à l'alinéa (10) b), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 1.

2. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont admissibles au financement au titre du PDF et qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1996 et qui se termine le 31 août 1997 en provenance d'un pays visé à l'alinéa (10) b), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 0,6.
3. Calculer, au 31 octobre 1998, le nombre d'élèves du conseil qui sont admissibles au financement au titre du PDF et qui sont arrivés au Canada pendant la période qui commence le 1<sup>er</sup> septembre 1995 et qui se termine le 31 août 1996 en provenance d'un pays visé à l'alinéa (10) b), à l'exclusion des élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998. Multiplier ce nombre par 0,3.
4. Additionner les produits obtenus aux termes des dispositions 1, 2 et 3.
5. Multiplier le nombre calculé aux termes de la disposition 4 par 2 235 \$.

#### ÉLÉMENT PETITES ÉCOLES

29. (1) Les définitions qui suivent s'appliquent au présent article.

«petite école» Relativement à un conseil scolaire de district de langue anglaise, s'entend :

- a) soit d'une école élémentaire qui compte moins de 20 élèves en moyenne par année d'études et qui est située à au moins huit kilomètres par route des autres écoles élémentaires du conseil;
- b) soit d'une école secondaire qui compte moins de 120 élèves en moyenne par année d'études et qui est située à au moins 32 kilomètres par route des autres écoles secondaires du conseil. («small school»)

«petite école» Relativement à un conseil scolaire de district de langue française, s'entend :

- a) soit d'une école élémentaire qui compte moins de 20 élèves en moyenne par année d'études et qui est située à au moins huit kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence;
- b) soit d'une école secondaire qui compte moins de 120 élèves en moyenne par année d'études et qui est située à au moins 32 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence. («small school»)

(2) Pour l'application du présent article, un conseil coïncide avec un autre conseil si les territoires de compétence des deux conseils sont en totalité ou en partie les mêmes.

(3) Pour l'application du présent article :

- a) le territoire de compétence d'un conseil scolaire de district public de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district public de langue anglaise coïncidents;
- b) le territoire de compétence d'un conseil scolaire de district séparé de langue française est divisé en parties qui correspondent aux territoires de compétence des conseils scolaires de district séparés de langue anglaise coïncidents;
- c) si le territoire de compétence d'un conseil scolaire de district séparé de langue française est le même que celui d'un conseil scolaire de district séparé de langue anglaise, la totalité du territoire de compétence du conseil scolaire de district séparé de langue française constitue une seule partie.

(4) For the purposes of this section,

- (a) junior kindergarten, kindergarten and grades one to eight are elementary grades;
- (b) grades nine to twelve and OAC are secondary grades;
- (c) subject to subsection (5), a school that offers instruction in one or more of the elementary grades shall be treated as an elementary school;
- (d) subject to subsection (5), a school that offers instruction in one or more of the secondary grades shall be treated as a secondary school.

(5) For the purposes of this section, where a school offers instruction in one or more of the elementary grades and in one or more of the secondary grades, the school shall be treated as two schools, as follows:

- 1. One elementary school, offering instruction in the relevant elementary grades.
- 2. One secondary school, offering instruction in the relevant secondary grades.

(6) For the purposes of this section, the average number of pupils per grade of an elementary school shall be calculated as follows:

- 1. Determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only the pupils enrolled in the school. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (5) shall be deemed to be a pupil of the board.
- 2. Determine the number of grades in the school, counting junior kindergarten and kindergarten as 0.5 grades each.
- 3. Divide the number determined under paragraph 1 by the number determined under paragraph 2.

(7) For the purposes of this section, the average number of pupils per grade of a secondary school shall be calculated as follows:

- 1. Determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only the pupils enrolled in the school. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (4) or (5) shall be deemed to be a pupil of the board.
- 2. Divide the number determined under paragraph 1 by the number of grades in which instruction is provided in the school.

(8) Where two or more elementary schools of an English-language district school board are all located within eight kilometres of each other by road, their combined average number of pupils per grade is less than 20 pupils per grade and one or more of the schools in the group is located eight or more kilometres by road from every elementary school of the board that is not in the group,

- (a) the group of two or more schools shall be deemed to be one small school for the purposes of this section; and
- (b) each of the two or more schools in the group shall be deemed not to be a small school for the purposes of this section.

(9) Where two or more elementary schools of a French-language district school board are all located in the same portion of the board's area of jurisdiction, are all within eight kilometres of each other by road, their combined average number of pupils per grade is less than 20 pupils per grade and one or more of the schools in the group is located eight or more kilometres by road from every elementary school of the board that is not in the group but is in the same portion of the board's area of jurisdiction,

(4) Pour l'application du présent article :

- a) la maternelle, le jardin d'enfants et la première à la huitième année sont des années d'études élémentaires;
- b) la neuvième à la douzième année et un cours préuniversitaire de l'Ontario sont des années d'études secondaires;
- c) sous réserve du paragraphe (5), l'école qui offre un enseignement à une ou à plusieurs années d'études élémentaires est considérée comme une école élémentaire;
- d) sous réserve du paragraphe (5), l'école qui offre un enseignement à une ou à plusieurs années d'études secondaires est considérée comme une école secondaire.

(5) Pour l'application du présent article, l'école qui offre un enseignement à une ou à plusieurs années d'études élémentaires et à une ou à plusieurs années d'études secondaires est considérée comme deux écoles distinctes, soit :

- 1. Une école élémentaire qui offre un enseignement aux années d'études élémentaires pertinentes.
- 2. Une école secondaire qui offre un enseignement aux années d'études secondaires pertinentes.

(6) Pour l'application du présent article, le nombre moyen d'élèves par année d'études d'une école élémentaire est calculé de la manière suivante :

- 1. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 1998, en ne comptant que les élèves inscrits à l'école. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (5) est réputé un élève du conseil.
- 2. Calculer le nombre d'années d'études offertes à l'école, la maternelle et le jardin d'enfants représentant chacun 0,5 année d'études.
- 3. Diviser le nombre calculé aux termes de la disposition 1 par le nombre calculé aux termes de la disposition 2.

(7) Pour l'application du présent article, le nombre moyen d'élèves par année d'études d'une école secondaire est calculé de la manière suivante :

- 1. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 1998, en ne comptant que les élèves inscrits à l'école. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (4) ou (5) est réputé un élève du conseil.
- 2. Diviser le nombre calculé aux termes de la disposition 1 par le nombre d'années d'études offertes dans l'école.

(8) Si deux écoles élémentaires ou plus d'un conseil scolaire de district de langue anglaise sont situées à huit kilomètres au plus les unes des autres par route, que leur nombre moyen global d'élèves par année d'études est inférieur à 20 élèves et qu'une ou plusieurs écoles de ce groupe sont situées à au moins huit kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe :

- a) le groupe de deux écoles ou plus est réputé une seule petite école pour l'application du présent article;
- b) chacune des écoles de ce groupe est réputée ne pas être une petite école pour l'application du présent article.

(9) Si deux écoles élémentaires ou plus d'un conseil scolaire de district de langue française sont situées dans la même partie du territoire de compétence du conseil, qu'elles sont situées à huit kilomètres au plus les unes des autres par route, que leur nombre moyen global d'élèves par année d'études est inférieur à 20 élèves et qu'une ou plusieurs écoles de ce groupe sont situées à au moins huit kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil :



(a) the group of two or more schools shall be deemed to be one small school for the purposes of this section; and

(b) each of the two or more schools in the group shall be deemed not to be a small school for the purposes of this section.

(10) For the purposes of this section, the combined average number of pupils per grade of a group of two or more elementary schools shall be calculated as follows:

1. Determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only the pupils enrolled in the schools in the group. For the purposes of this paragraph, a pupil who would be a pupil of a board were it not for subsection 2 (5) shall be deemed to be a pupil of the board.
2. Determine the number of grades in which instruction is given in one or more of the schools in the group, counting junior kindergarten and kindergarten as 0.5 grades each.
3. Divide the number determined under paragraph 1 by the number determined under paragraph 2.

(11) For the purposes of paragraph 2 of section 11, the amount of the small school allocation for a district school board shall be determined as follows:

1. For each elementary small school of the board,
  - i. determine the school size factor, in accordance with subsection (12),
  - ii. determine the remoteness factor, in accordance with subsection (14), and
  - iii. determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only the pupils of the board enrolled in the school.
2. For each elementary small school of the board, multiply the school size factor by the remoteness factor. Multiply the product by the enrolment determined for the school under subparagraph iii of paragraph 1.
3. For each elementary small school of the board, multiply the product obtained under paragraph 2 by \$6,000.
4. Total the amounts determined for each of the elementary small schools of the board under paragraph 3.
5. For each secondary small school of the board,
  - i. determine the school size factor, in accordance with subsection (16),
  - ii. determine the remoteness factor, in accordance with subsection (17), and
  - iii. determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only pupils of the board enrolled in the school. For the purposes of this subparagraph, pupils enrolled in the school who would be pupils of the board were it not for subsection 2 (4) shall be deemed to be pupils of the board.
6. For each secondary small school of the board, multiply the school size factor by the remoteness factor. Multiply the product by the enrolment number determined for the school under subparagraph iii of paragraph 5.
7. For each secondary small school of the board, multiply the product obtained under paragraph 6 by \$7,200.
8. Total the amounts determined for each of the secondary small schools of the board under paragraph 7.

a) le groupe de deux écoles ou plus est réputé une seule petite école pour l'application du présent article;

b) chacune des écoles de ce groupe est réputée ne pas être une petite école pour l'application du présent article.

(10) Pour l'application du présent article, le nombre moyen global d'élèves par année d'études d'un groupe de deux écoles élémentaires ou plus est calculé de la manière suivante :

1. Calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 1998, en ne comptant que les élèves inscrits aux écoles du groupe. Pour l'application de la présente disposition, l'élève qui serait un élève d'un conseil en l'absence du paragraphe 2 (5) est réputé un élève du conseil.
2. Calculer le nombre d'années d'études auxquelles une ou plusieurs écoles du groupe offrent un enseignement, la maternelle et le jardin d'enfants représentant chacun 0,5 année d'études.
3. Diviser le nombre calculé aux termes de la disposition 1 par le nombre calculé aux termes de la disposition 2.

(11) Pour l'application de la disposition 2 de l'article 11, l'élément petites écoles pour un conseil scolaire de district est calculé de la manière suivante :

1. Pour chaque petite école élémentaire du conseil :
  - i. calculer le facteur de l'effectif de l'école conformément au paragraphe (12),
  - ii. calculer le facteur d'éloignement conformément au paragraphe (14),
  - iii. calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 1998, en ne comptant que les élèves du conseil inscrits à l'école.
2. Pour chaque petite école élémentaire du conseil, multiplier le facteur de l'effectif de l'école par le facteur d'éloignement. Multiplier le produit par l'effectif calculé pour l'école aux termes de la sous-disposition iii de la disposition 1.
3. Pour chaque petite école élémentaire du conseil, multiplier le produit obtenu aux termes de la disposition 2 par 6 000 \$.
4. Additionner les sommes calculées pour chacune des petites écoles élémentaires du conseil aux termes de la disposition 3.
5. Pour chaque petite école secondaire du conseil :
  - i. calculer le facteur de l'effectif de l'école conformément au paragraphe (16),
  - ii. calculer le facteur d'éloignement conformément au paragraphe (17),
  - iii. calculer l'effectif de jour à temps plein ou l'équivalent pour le conseil au 31 octobre 1998, en ne comptant que les élèves du conseil inscrits à l'école. Pour l'application de la présente sous-disposition, les élèves inscrits à l'école qui seraient des élèves du conseil en l'absence du paragraphe 2 (4) sont réputés des élèves du conseil.
6. Pour chaque petite école secondaire du conseil, multiplier le facteur de l'effectif de l'école par le facteur d'éloignement. Multiplier le produit par l'effectif calculé pour l'école aux termes de la sous-disposition iii de la disposition 5.
7. Pour chaque petite école secondaire du conseil, multiplier le produit obtenu aux termes de la disposition 6 par 7 200 \$.
8. Additionner les sommes calculées pour chacune des petites écoles secondaires du conseil aux termes de la disposition 7.

9. Total the totals determined under paragraphs 4 and 8.

(12) The school size factor for a small elementary school shall be determined as follows:

1. For a school with an average number of pupils per grade that is less than two, the school size factor is 1.
2. For a school with an average number of pupils per grade that is two or more but not more than 10, the school size factor shall be determined on a sliding scale as follows:
  - i. Divide 10 by the average number of pupils per grade.
  - ii. Multiply the result obtained under subparagraph i by 0.2.
3. For a school with an average number of pupils per grade that is more than 10 but less than 20, the school size factor shall be determined on a sliding scale as follows:
  - i. Subtract 10 from the average number of pupils per grade.
  - ii. Divide the result obtained under subparagraph i by 10.
  - iii. Subtract the result obtained under subparagraph ii from one.
  - iv. Multiply the result obtained under subparagraph iii by 0.2.

(13) For the purposes of subsection (12), the average number of pupils per grade of a group of two or more schools that is deemed under subsection (8) or (9) to be one small school is the combined average number of pupils per grade of the group, calculated in accordance with subsection (10).

(14) The remoteness factor for a small elementary school shall be determined as follows:

1. For a school of an English-language district board located 80 kilometres or more by road from all other elementary schools of the board, the remoteness factor is 1.5.
2. For a school of an English-language district board located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board, the remoteness factor is 1.25.
3. For all other schools of an English-language district school board, the remoteness factor is 1.0.
4. For a school of a French-language district board located 80 kilometres or more by road from all other elementary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 1.5.
5. For a school of a French-language district board located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 1.25.
6. For all other schools of a French-language district school board, the remoteness factor is 1.0.

(15) The following rules apply for the purposes of subsection (14), where a group of two or more schools of a board is deemed under subsection (8) or (9) to be one small school:

1. In the case of elementary schools of an English-language district school board, if one or more of the schools in the group is located 80 kilometres or more by road from every elementary school of the board that is not in the group, the deemed small school shall

9. Additionner les totaux obtenus aux termes des dispositions 4 et 8.

(12) Le facteur de l'effectif de l'école pour une petite école élémentaire est calculé de la manière suivante :

1. Pour une école dont le nombre moyen d'élèves par année d'études est inférieure à deux, le facteur de l'effectif de l'école est de 1.
2. Pour une école dont le nombre moyen d'élèves par année d'études est d'au moins deux et d'au plus 10, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
  - i. Diviser 10 par le nombre moyen d'élèves par année d'études.
  - ii. Multiplier le résultat obtenu aux termes de la sous-disposition i par 0,2.
3. Pour une école dont le nombre moyen d'élèves par année d'études est supérieur à 10 mais inférieur à 20, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
  - i. Soustraire 10 du nombre moyen d'élèves par année d'études.
  - ii. Diviser le résultat obtenu aux termes de la sous-disposition i par 10.
  - iii. Soustraire le résultat obtenu aux termes de la sous-disposition ii de un.
  - iv. Multiplier le résultat obtenu aux termes de la sous-disposition iii par 0,2.

(13) Pour l'application du paragraphe (12), le nombre moyen d'élèves par année d'études d'un groupe de deux écoles ou plus qui est réputé une seule petite école aux termes du paragraphe (8) ou (9) correspond au nombre moyen global d'élèves par année d'études du groupe, calculé conformément au paragraphe (10).

(14) Le facteur d'éloignement pour une petite école élémentaire est calculé de la manière suivante :

1. Pour une école d'un conseil scolaire de district de langue anglaise située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil, le facteur d'éloignement est de 1,5.
2. Pour une école d'un conseil scolaire de district de langue anglaise située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil, le facteur d'éloignement est de 1,25.
3. Pour les autres écoles d'un conseil scolaire de district de langue anglaise, le facteur d'éloignement est de 1.
4. Pour une école d'un conseil scolaire de district de langue française située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 1,5.
5. Pour une école d'un conseil scolaire de district de langue française située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 1,25.
6. Pour les autres écoles d'un conseil scolaire de district de langue française, le facteur d'éloignement est de 1.

(15) Les règles suivantes s'appliquent pour l'application du paragraphe (14) si un groupe de deux écoles ou plus d'un conseil est réputé, aux termes du paragraphe (8) ou (9), une seule petite école :

1. Dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue anglaise, si une ou plusieurs des écoles du groupe sont situées à au moins 80 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe, la petite école réputée

be deemed to be located 80 kilometres or more by road from all other elementary schools of the board.

2. Except where paragraph 1 applies, in the case of elementary schools of an English-language district school board, if one or more of the schools in the group is located more than 32 kilometres by road from every elementary school of the board that is not in the group, the deemed small school shall be deemed to be located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board.
3. In the case of elementary schools of a French-language district school board, if one or more of the schools in the group is located 80 kilometres or more by road from every elementary school of the board that is not in the group but that is located in the same portion of the board's area of jurisdiction, the deemed small school shall be deemed to be located 80 kilometres or more by road from all other elementary schools of the board.
4. Except where paragraph 3 applies, in the case of elementary schools of a French-language district school board, if one or more of the schools in the group is located more than 32 kilometres by road from every elementary school of the board that is not in the group but that is located in the same portion of the board's area of jurisdiction, the deemed small school shall be deemed to be located more than 32 kilometres by road but less than 80 kilometres by road from all other elementary schools of the board.

(16) The school size factor for a small secondary school shall be determined as follows:

1. For a school with an average number of pupils per grade that is less than 20, the school size factor is 0.45.
2. For a school with an average number of pupils per grade that is 20 or more but not more than 60, the school size factor shall be determined on a sliding scale as follows:
  - i. Divide 60 by the average number of pupils per grade.
  - ii. Multiply the result obtained under subparagraph i by 0.15.
3. For a school with an average number of pupils per grade that is more than 60 but less than 120, the school size factor shall be determined on a sliding scale as follows:
  - i. Subtract 60 from the average number of pupils per grade.
  - ii. Divide the result obtained under subparagraph i by 60.
  - iii. Subtract the result obtained under subparagraph ii from one.
  - iv. Multiply the result obtained under subparagraph iii by 0.15.

(17) The remoteness factor for a small secondary school shall be determined as follows:

1. For a school of an English-language district school board that has an average number of pupils per grade that is less than 20 and that is located 80 kilometres or more by road from all other secondary schools of the board, the remoteness factor is 2.0.
2. For a school of an English-language district school board that has an average number of pupils per grade that is 20 or more but less than 120, and that is located 80 kilometres or more by road from all other secondary schools of the board, the remoteness factor shall be determined as follows:
  - i. Add 20 to the average number of pupils per grade.

telle est réputée située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil.

2. Sauf dans les cas où s'applique la disposition 1, dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue anglaise, si une ou plusieurs des écoles du groupe sont situées à plus de 32 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe, la petite école réputée telle est réputée située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil.
3. Dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue française, si une ou plusieurs des écoles du groupe sont situées à au moins 80 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil, la petite école réputée telle est réputée située à au moins 80 kilomètres par route des autres écoles élémentaires du conseil.
4. Sauf dans les cas où s'applique la disposition 3, dans le cas d'écoles élémentaires d'un conseil scolaire de district de langue française, si une ou plusieurs des écoles du groupe sont situées à plus de 32 kilomètres par route des écoles élémentaires du conseil qui ne font pas partie du groupe mais qui sont situées dans la même partie du territoire de compétence du conseil, la petite école réputée telle est réputée située à plus de 32 kilomètres mais à moins de 80 kilomètres par route des autres écoles élémentaires du conseil.

(16) Le facteur de l'effectif de l'école pour une petite école secondaire est calculé de la manière suivante :

1. Pour une école dont le nombre moyen d'élèves par année d'études est inférieur à 20, le facteur de l'effectif de l'école est de 0,45.
2. Pour une école dont le nombre moyen d'élèves par année d'études est d'au moins 20 et d'au plus 60, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
  - i. Diviser 60 par le nombre moyen d'élèves par année d'études.
  - ii. Multiplier le résultat obtenu aux termes de la sous-disposition i par 0,15.
3. Pour une école dont le nombre moyen d'élèves par année d'études est supérieur à 60 mais inférieur à 120, le facteur de l'effectif de l'école est calculé en fonction d'une échelle mobile, de la manière suivante :
  - i. Soustraire 60 du nombre moyen d'élèves par année d'études.
  - ii. Diviser le résultat obtenu aux termes de la sous-disposition i par 60.
  - iii. Soustraire le résultat obtenu aux termes de la sous-disposition ii de un.
  - iv. Multiplier le résultat obtenu aux termes de la sous-disposition iii par 0,15.

(17) Le facteur d'éloignement pour une petite école secondaire est calculé de la manière suivante :

1. Pour une école d'un conseil scolaire de district de langue anglaise dont le nombre moyen d'élèves par année d'études est inférieur à 20 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil, le facteur d'éloignement est de 2.
2. Pour une école d'un conseil scolaire de district de langue anglaise dont le nombre moyen d'élèves par année d'études est d'au moins 20 mais inférieur à 120 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil, le facteur d'éloignement est calculé de la manière suivante :
  - i. Ajouter 20 au nombre moyen d'élèves par année d'études.

- ii. Divide 40 by the sum obtained under subparagraph i.
  - iii. Add one to the result obtained under subparagraph ii.
3. For all other small secondary schools of an English-language district school board, the remoteness factor is 1.0.
  4. For a school of a French-language district school board that has an average number of pupils per grade that is less than 20 and that is located 80 kilometres or more by road from all other secondary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor is 2.0.
  5. For a school of a French-language district school board that has an average number of pupils per grade that is 20 or more but less than 120, and that is located 80 kilometres or more by road from all other secondary schools of the board that are located in the same portion of the board's area of jurisdiction, the remoteness factor shall be determined as follows:
    - i. Add 20 to the average number of pupils per grade.
    - ii. Divide 40 by the sum obtained under subparagraph i.
    - iii. Add one to the result obtained under subparagraph ii.
  6. For all other small secondary schools of a French-language district school board, the remoteness factor is 1.0.

#### REMOTE AND RURAL ALLOCATION

30. For the purposes of paragraph 2 of section 11, the amount of the remote and rural allocation for a district school board shall be determined as follows:

1. Determine the per pupil distance amount for the board, in accordance with the following:
  - i. If the distance specified for the board in Column 2 of Table 4 is less than 151 kilometres, the per pupil distance amount is zero.
  - ii. If the distance specified for the board in Column 2 of Table 4 is 151 kilometres or more but less than 650 kilometres, the per pupil distance amount shall be determined by subtracting 150 from that distance and multiplying the result by \$0.815.
  - iii. If the distance specified for the board in Column 2 of Table 4 is 650 kilometres or more but less than 1,150 kilometres, the per pupil distance amount shall be determined as follows: Subtract 650 from that distance. Multiply the result by \$0.1125. Add \$407.50 to the product.
  - iv. If the distance specified for the board in Column 2 of Table 4 is 1,150 kilometres or more, the per pupil distance amount is \$464.
2. Multiply the per pupil distance amount determined for the board under paragraph 1 by the urban factor specified for the board in Column 3 of Table 4.
3. Determine the per pupil sparsity amount for the board in accordance with the following:
  - i. Determine the pupil density by dividing the 1998-99 day school average daily enrolment for the board, as determined under section 2 of the 1998-99 A.D.E. regulation, not counting pupils who are 21 years of age or more on December 31, 1998, by the board's area in square kilometres, as specified in the Schedule to Ontario Regulation 250/97.

- ii. Diviser 40 par la somme obtenue aux termes de la sous-disposition i.
  - iii. Ajouter un au résultat obtenu aux termes de la sous-disposition ii.
3. Pour les autres petites écoles secondaires d'un conseil scolaire de district de langue anglaise, le facteur d'éloignement est de 1.
  4. Pour une école d'un conseil scolaire de district de langue française dont le nombre moyen d'élèves par année d'études est inférieur à 20 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est de 2.
  5. Pour une école d'un conseil scolaire de district de langue française dont le nombre moyen d'élèves par année d'études est d'au moins 20 mais inférieur à 120 et qui est située à au moins 80 kilomètres par route des autres écoles secondaires du conseil situées dans la même partie de son territoire de compétence, le facteur d'éloignement est calculé de la manière suivante :
    - i. Ajouter 20 au nombre moyen d'élèves par année d'études.
    - ii. Diviser 40 par la somme obtenue aux termes de la sous-disposition i.
    - iii. Ajouter un au résultat obtenu aux termes de la sous-disposition ii.
  6. Pour les autres petites écoles secondaires d'un conseil scolaire de district de langue française, le facteur d'éloignement est de 1.

#### ÉLÉMENT CONSEILS RURAUX ET ÉLOIGNÉS

30. Pour l'application de la disposition 2 de l'article 11, l'élément conseils ruraux et éloignés pour un conseil scolaire de district est calculé de la manière suivante :

1. Calculer la somme par élève liée à la distance pour le conseil conformément à ce qui suit :
  - i. Si la distance précisée pour le conseil à la colonne 2 du tableau 4 est inférieure à 151 kilomètres, la somme par élève liée à la distance est nulle.
  - ii. Si la distance précisée pour le conseil à la colonne 2 du tableau 4 est égale ou supérieure à 151 kilomètres mais inférieure à 650 kilomètres, la somme par élève liée à la distance est calculée en soustrayant 150 de cette distance et en multipliant le résultat par 0,815 \$.
  - iii. Si la distance précisée pour le conseil à la colonne 2 du tableau 4 est égale ou supérieure à 650 kilomètres, mais inférieure à 1 150 kilomètres, la somme par élève liée à la distance est calculée de la manière suivante : Soustraire 650 de cette distance. Multiplier le résultat par 0,1125 \$. Ajouter 407,50 \$ au produit.
  - iv. Si la distance précisée pour le conseil à la colonne 2 du tableau 4 est égale ou supérieure à 1 150 kilomètres, la somme par élève liée à la distance est de 464 \$.
2. Multiplier la somme par élève liée à la distance calculée pour le conseil aux termes de la disposition 1 par le facteur urbain précisé pour le conseil à la colonne 3 du tableau 4.
3. Calculer la somme par élève liée à l'éparpillement de la population scolaire pour le conseil conformément à ce qui suit :
  - i. Calculer la densité de la population scolaire en divisant l'effectif quotidien moyen de jour du conseil pour 1998-1999, calculé aux termes de l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999 en ne comptant pas les élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998, par la superficie en kilomètres carrés du conseil, précisée à l'annexe du Règlement de l'Ontario 250/97.

- ii. If the number determined under subparagraph i is less than one, the per pupil sparsity amount shall be determined by subtracting that number from one and multiplying the result by \$400.
  - iii. If the number determined under subparagraph i is one or greater than one, the per pupil sparsity amount is zero.
4. Add the per pupil sparsity amount determined for the board under paragraph 3 to the amount determined for the board under paragraph 2.
  5. Multiply the amount obtained under paragraph 4 by the 1998-99 day school average daily enrolment of pupils of the board.

## LEARNING OPPORTUNITIES ALLOCATION

31. For the purposes of paragraph 2 of section 11, the amount of the learning opportunities allocation for a district school board shall be the amount set out in Column 2 of Table 5, opposite the name of the board.

ADULT EDUCATION, CONTINUING EDUCATION  
AND SUMMER SCHOOL ALLOCATION

32. (1) For the purposes of paragraph 2 of section 11, the amount of the adult education, continuing education and summer school allocation for a district school board shall be determined as follows:

1. Determine the day school average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 2 of the 1998-99 A.D.E. regulation, counting only pupils of the board who are 21 years of age or more on December 31, 1998.
2. Determine the continuing education average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 3 of the 1998-99 A.D.E. regulation.
3. Determine the summer school average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 4 of the 1998-99 A.D.E. regulation.
4. Add the numbers determined under paragraphs 1, 2 and 3.
5. Multiply the total determined under paragraph 4 by \$2,257.
6. Determine the amount for international languages for the board, in accordance with subsections (2) to (4).
7. Total the amounts determined under paragraphs 5 and 6.

(2) Subsections (3) and (4) apply where a board establishes classes to provide instruction in a language other than English or French and the classes have been approved by the Minister as being part of an international languages elementary school program.

(3) Except as provided in subsection (4), the amount for international languages for the board shall be the number of hours of instruction provided by the board in classes described in subsection (2), multiplied by \$41.

(4) Where the quotient obtained by dividing the number of elementary school pupils enrolled in classes described in subsection (2) that have been established by the board by the number of such classes is less than 25, the \$41 per hour rate specified in subsection (3) shall be reduced by the product of \$1 and the difference between the quotient and 25.

- ii. Si le nombre calculé aux termes de la sous-disposition i est inférieur à un, la somme par élève liée à l'éparpillement de la population scolaire est calculée en soustrayant ce nombre de un et en multipliant le résultat par 400 \$.
- iii. Si le nombre calculé aux termes de la sous-disposition i est égal ou supérieur à un, la somme par élève liée à l'éparpillement de la population scolaire est nulle.

4. Ajouter la somme par élève liée à l'éparpillement de la population scolaire calculée pour le conseil aux termes de la disposition 3 à la somme calculée pour le conseil aux termes de la disposition 2.
5. Multiplier la somme obtenue aux termes de la disposition 4 par l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.

## ÉLÉMENT PROGRAMMES D'AIDE À L'APPRENTISSAGE

31. Pour l'application de la disposition 2 de l'article 11, l'élément programmes d'aide à l'apprentissage pour un conseil scolaire de district correspond à la somme qui figure à la colonne 2 du tableau 5, en regard du nom du conseil.

ÉLÉMENT ÉDUCATION DES ADULTES, ÉDUCATION PERMANENTE  
ET COURS D'ÉTÉ

32. (1) Pour l'application de la disposition 2 de l'article 11, l'élément éducation des adultes, éducation permanente et cours d'été pour un conseil scolaire de district est calculé de la manière suivante :

1. Calculer l'effectif quotidien moyen de jour du conseil pour l'exercice 1998-1999 conformément à l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999, en ne comptant que les élèves du conseil qui sont âgés de 21 ans ou plus le 31 décembre 1998.
2. Calculer l'effectif quotidien moyen de l'éducation permanente du conseil pour l'exercice 1998-1999 conformément à l'article 3 du règlement sur l'effectif quotidien moyen de 1998-1999.
3. Calculer l'effectif quotidien moyen des cours d'été du conseil pour l'exercice 1998-1999 conformément à l'article 4 du règlement sur l'effectif quotidien moyen de 1998-1999.
4. Additionner les nombres calculés aux termes des dispositions 1, 2 et 3.
5. Multiplier le total obtenu aux termes de la disposition 4 par 2 257 \$.
6. Calculer la somme liée aux programmes de langues internationales, conformément aux paragraphes (2) à (4).
7. Additionner les sommes calculées aux termes des dispositions 5 et 6.

(2) Les paragraphes (3) et (4) s'appliquent si un conseil crée des classes pour dispenser un enseignement dans une langue autre que l'anglais ou le français et que le ministre approuve les classes en tant que partie d'un programme scolaire élémentaire de langues d'origine.

(3) Sous réserve du paragraphe (4), la somme liée aux programmes de langues d'origine pour le conseil correspond au produit de 41 \$ et du nombre d'heures d'enseignement que le conseil dispense dans les classes visées au paragraphe (2).

(4) Si le quotient obtenu en divisant le nombre d'élèves de l'élémentaire inscrits aux classes visées au paragraphe (2) que le conseil a créées par le nombre de ces classes est inférieur à 25, le taux horaire de 41 \$ précisé au paragraphe (3) est réduit du produit de 1 \$ et de la différence du quotient et de 25.

## TEACHER COMPENSATION ALLOCATION

## ÉLÉMENT RÉMUNÉRATION DES ENSEIGNANTS

33. (1) In this section,

“OSSTF” stands for the Ontario Secondary School Teachers’ Federation; (“FEESO”)

“OSSTF certification” means the OSSTF certification of Group 1, Group 2, Group 3 or Group 4; (“certification de la FEESO”)

“qualification category” means OSSTF certification or QECO category; (“catégorie de qualifications”)

“QECO” stands for Qualifications Evaluation Council of Ontario; (“COEQ”)

“QECO category” means the QECO category D, C, B, A1, A2, A3 or A4; (“catégorie du COEQ”)

“teacher” includes a temporary teacher and does not include an occasional teacher. (“enseignant”)

(2) In this section, a cell of Table 6 is referred to by its qualification category co-ordinate followed by the number co-ordinate representing full years of teaching experience.

(3) For example, cell C-1 contains the number 0.6127 and cell A1/Group 1-3 contains the number 0.7416.

(4) For the purposes of this section, the number of teachers employed by a board is the full-time equivalent number of persons employed by the board as of October 31, 1998 to teach.

(5) For the purposes of subsection (4), the counting practices usually followed by the board for staffing purposes shall be followed, subject to the following rules:

1. A teacher who is not assigned to provide instruction to pupils in a regular timetable that is in effect as of October 31, 1998 shall not be counted for the purposes of this section.
2. The provision of library instruction or guidance to pupils shall be considered the provision of instruction to pupils for the purposes of paragraphs 1, 3 and 4.
3. Where a teacher is assigned in a regular timetable that is in effect as of October 31, 1998 to spend part of his or her time providing instruction to pupils and is also assigned, as of that date, under section 17 of Regulation 298 of the Revised Regulations of Ontario, 1990, to spend part of his or her time acting as a consultant, co-ordinator or supervisor, the full-time equivalency for the teacher shall be determined as follows:
  - i. Determine the average number of hours per day in the cycle that includes October 31, 1998 for which the teacher is regularly scheduled, in accordance with the timetable, to provide instruction to pupils or to prepare for such instruction. For the purposes of this subparagraph, a count of hours shall be accurate to one decimal place.
  - ii. Divide the total determined under subparagraph i by five.
4. Where a principal or vice-principal is assigned in a regular timetable that is in effect as of October 31, 1998 to spend part of his or her time providing instruction to pupils, the principal or vice-principal shall be counted as a teacher for the purposes of this section and his or her full-time equivalency as a teacher shall be determined as follows:

33. (1) Les définitions qui suivent s’appliquent au présent article.

«catégorie de qualifications» S’entend de la certification de la FEESO ou d’une catégorie du COEQ. («qualification category»)

«catégorie du COEQ» S’entend de la catégorie D, C, B, A1, A2, A3 ou A4 du COEQ. («QECO category»)

«certification de la FEESO» S’entend de la certification de groupe 1, de groupe 2, de groupe 3 ou de groupe 4 octroyée par la FEESO. («OSSTF certification»)

«COEQ» Le Conseil ontarien d’évaluation des qualifications. («QECO»)

«enseignant» S’entend en outre des enseignants temporaires, mais non des enseignants suppléants. («teacher»)

«FEESO» La Fédération des enseignantes-enseignants des écoles secondaires de l’Ontario. («OSSTF»)

(2) Au présent article, les cases du tableau 6 sont désignées par leur abscisse (la catégorie de qualifications), suivie de leur ordonnée (le nombre qui représente les années complètes d’expérience en enseignement).

(3) Par exemple, la case C-1 contient le nombre 0,6127 et la case A1/Groupe 1-3, le nombre 0,7416.

(4) Pour l’application du présent article, le nombre d’enseignants employés par un conseil correspond au nombre de personnes à temps plein ou l’équivalent que le conseil emploie au 31 octobre 1998 pour enseigner.

(5) Pour l’application du paragraphe (4), le dénombrement se fait selon les méthodes que le conseil utilise habituellement aux fins de la dotation, sous réserve des règles suivantes :

1. L’enseignant qui n’est pas affecté à l’enseignement aux élèves dans le cadre d’un emploi du temps régulier qui est en vigueur au 31 octobre 1998 ne doit pas être dénombré pour l’application du présent article.
2. La prestation de l’enseignement en bibliothèque ou de l’orientation aux élèves est considérée comme la prestation d’un enseignement aux élèves pour l’application des dispositions 1, 3 et 4.
3. L’équivalence à temps plein de l’enseignant qui, dans le cadre d’un emploi du temps régulier qui est en vigueur au 31 octobre 1998, est affecté, une partie du temps, à l’enseignement aux élèves et qui, à cette date, est également affecté, une autre partie du temps, aux termes de l’article 17 du Règlement 298 des Règlements refondus de l’Ontario de 1990, à un poste de conseiller, de coordonnateur ou de superviseur, est calculée de la manière suivante :
  - i. Calculer le nombre moyen d’heures par jour de l’horaire qui inclut le 31 octobre 1998 auxquelles l’enseignant est affecté régulièrement, conformément à son emploi du temps, pour dispenser l’enseignement aux élèves ou pour préparer cet enseignement. Pour l’application de la présente sous-disposition, le dénombrement des heures se fait à une décimale près.
  - ii. Diviser le total calculé aux termes de la sous-disposition i par cinq.
4. Le directeur d’école ou le directeur adjoint qui, dans le cadre d’un emploi du temps régulier qui est en vigueur au 31 octobre 1998, est affecté, une partie du temps, à l’enseignement aux élèves est dénombré comme enseignant pour l’application du présent article et son équivalence à temps plein à titre d’enseignant est calculée de la manière suivante :



i. Determine the average number of hours per day in the cycle that includes October 31, 1998 for which the principal or vice-principal is regularly scheduled, in accordance with the timetable, to provide instruction to pupils. For the purposes of this subsection, a count of hours shall be accurate to one decimal place.

ii. Divide the number determined under subparagraph i by five.

(6) Subject to subsections (7) and (8), when determining the number of full years of teaching experience of a teacher employed by a board, the counting practices usually followed by the board when counting the amount of teaching experience shall be applied, as of October 31, 1998.

(7) Where the number of full years of teaching experience of a teacher exceeds 10, as determined under subsection (6), the number of full years of teaching experience of the teacher shall be deemed to be 10.

(8) The number of full years of teaching experience of a principal or vice-principal shall be deemed to be 10.

(9) The following rules shall be applied, as of October 31, 1998, to determine the qualification category of a teacher:

1. If a board uses a QECO categories system for salary purposes in relation to a teacher employed by it, that QECO categories system shall be used for that teacher for the purposes of this section.
2. If a board uses an OSSTF certification system for salary purposes in relation to a teacher employed by it, that OSSTF certification system shall be used for that teacher for the purposes of this section.
3. Subject to paragraph 5, if a board does not use a QECO categories system for salary purposes in relation to an elementary school teacher employed by it, the classification system used by the board for elementary school teachers in filling out the Education Relations Commission Data Form A for 1998 shall be used for that teacher for the purposes of this section.
4. Subject to paragraph 5, if a board does not use a QECO categories system or an OSSTF certification system for salary purposes in relation to a secondary school teacher employed by it, the classification system used by the board for secondary school teachers in filling out the Education Relations Commission Data Form A for 1998 shall be used for that teacher for the purposes of this section.
5. In the circumstances described in paragraph 3 or 4, the board may elect, by written notice to the Minister, to use the QECO categories system referred to by QECO as QECO Programme Level 4 or the 1992 OSSTF certification system, instead of the classification system determined under paragraph 3 or 4.
6. The qualification category of a principal or vice-principal shall be deemed to be A4/Group 4.
7. If the qualification category of a person is changed after October 31, 1998 and the change for salary purposes is retroactive to October 31, 1998 or earlier, the changed qualification category shall be used for the purposes of this section.

(10) For the purposes of paragraph 2 of section 11, the amount of the teacher compensation allocation for a district school board shall be determined as follows:

i. Calculer le nombre moyen d'heures par jour de l'horaire qui inclut le 31 octobre 1998 auxquelles le directeur d'école ou le directeur adjoint est affecté régulièrement, conformément à son emploi du temps, pour dispenser l'enseignement aux élèves. Pour l'application du présent paragraphe, le dénombrement des heures se fait à une décimale près.

ii. Diviser le nombre calculé aux termes de la sous-disposition i par cinq.

(6) Sous réserve des paragraphes (7) et (8), lors du calcul du nombre d'années complètes d'expérience en enseignement d'un enseignant employé par un conseil, les méthodes utilisées habituellement par le conseil pour calculer les années d'expérience en enseignement sont appliquées à compter du 31 octobre 1998.

(7) Le nombre d'années complètes d'expérience en enseignement d'un enseignant, calculé aux termes du paragraphe (6), est réputé être de 10 s'il est supérieur à ce chiffre.

(8) Le nombre d'années complètes d'expérience en enseignement d'un directeur d'école ou d'un directeur adjoint est réputé être de 10.

(9) Les règles suivantes s'appliquent, à compter du 31 octobre 1998, en vue d'établir la catégorie de qualifications d'un enseignant :

1. Si un conseil utilise le système de catégories du COEQ aux fins de l'établissement du salaire d'un enseignant qu'il emploie, ce système est utilisé à l'égard de cet enseignant pour l'application du présent article.
2. Si un conseil utilise le système de certification de la FEESO aux fins de l'établissement du salaire d'un enseignant qu'il emploie, ce système est utilisé à l'égard de cet enseignant pour l'application du présent article.
3. Sous réserve de la disposition 5, si un conseil n'utilise pas le système de catégories du COEQ aux fins de l'établissement du salaire d'un enseignant de l'élémentaire qu'il emploie, le système de classification qu'il utilise dans le cas des enseignants de l'élémentaire pour remplir le Formulaire de données A pour 1998 de la Commission des relations de travail en éducation est utilisé à l'égard de cet enseignant pour l'application du présent article.
4. Sous réserve de la disposition 5, si un conseil n'utilise ni le système de catégories du COEQ, ni le système de certification de la FEESO aux fins de l'établissement du salaire d'un enseignant du secondaire qu'il emploie, le système de classification qu'il utilise dans le cas des enseignants du secondaire pour remplir le Formulaire de données A pour 1998 de la Commission des relations de travail en éducation est utilisé à l'égard de cet enseignant pour l'application du présent article.
5. Dans les circonstances visées à la disposition 3 ou 4, le conseil peut choisir, par avis écrit envoyé au ministre, d'utiliser soit le système de catégories du COEQ désigné plan 4 par le COEQ, soit le système de certification de 1992 de la FEESO, au lieu du système de classification utilisé aux termes de la disposition 3 ou 4.
6. La catégorie de qualifications d'un directeur d'école ou d'un directeur adjoint est réputée correspondre à A4/Groupe 4.
7. Si la catégorie de qualifications à laquelle appartient une personne est changée après le 31 octobre 1998 et que le changement, aux fins de l'établissement de son salaire, est rétroactif au 31 octobre 1998 ou à une date antérieure, la nouvelle catégorie de qualifications est utilisée pour l'application du présent article.

(10) Pour l'application de la disposition 2 de l'article 11, l'élément rémunération des enseignants pour un conseil scolaire de district est calculé de la manière suivante :

1. For each cell in Table 6, determine the number of teachers employed by the board who have the qualification category and the number of full years of teaching experience that correspond with the co-ordinates of the cell. For example, a teacher with a qualification category of D and six months of teaching experience shall be counted for the purposes of cell D-0 and a teacher with a qualification category of A2 or Group 2 and three years and seven months of teaching experience shall be counted for the purposes of cell A2/Group 2-3.
  2. For each cell in Table 6, multiply the number of teachers employed by the board who are counted for the purposes of the cell by the number set out in that cell in Table 6.
  3. Add all the products obtained under paragraph 2 for the board.
  4. Divide the sum obtained under paragraph 3 by the total number of teachers employed by the board.
  5. Subtract one from the number obtained under paragraph 4.
  6. Multiply the result obtained under paragraph 5 by \$2,685.
  7. Multiply the amount determined under paragraph 6 by the 1998-99 day school average daily enrolment of pupils of the board.
  8. Determine the special assistance amount for re-organization of secondary school staff, in accordance with subsection (11).
  9. Determine the special assistance amount for a high credit per pupil average, if any, in accordance with subsection (12).
  10. Add the amounts determined under paragraphs 7, 8 and 9.
- (11) For the purposes of paragraph 8 of subsection (10), the special assistance amount for re-organization of secondary school staff shall be determined by multiplying the 1998-99 day school average daily enrolment of secondary pupils of the board by \$180.
- (12) For the purposes of paragraph 9 of subsection (10), the special assistance amount for a high credit per pupil average shall be determined as follows:
1. Determine the average number of credits per secondary school pupil of the board for the 1997-98 school year.
  2. If the number determined under paragraph 1 is 7.5 or less but more than 7.2, deduct 7.2 from the number determined under paragraph 1.
  3. If the number determined under paragraph 1 is more than 7.5, deduct 7.2 from 7.5.
  4. Divide the number obtained under paragraph 2 or 3, as the case may be, by 7.2.
  5. Multiply the number obtained under paragraph 4 by \$2,748.
  6. Multiply the amount obtained under paragraph 5 by the 1998-99 day school average daily enrolment of secondary pupils of the board.
- EARLY LEARNING ALLOCATION
34. (1) For the purposes of paragraph 2 of section 11, the amount of the early learning allocation for a district school board shall be determined in accordance with this section.
- (2) If a board does not provide instruction in junior kindergarten in any of its schools in September of 1998, the amount of the early learning allocation for the board shall be determined as follows:
1. Pour chaque case du tableau 6, calculer le nombre d'enseignants employés par le conseil qui appartiennent à la catégorie de qualifications et qui ont le nombre d'années complètes d'expérience en enseignement correspondant aux coordonnées de la case. Par exemple, l'enseignant qui appartient à la catégorie de qualifications D et qui a six mois d'expérience en enseignement est affecté à la case D-0 et celui qui appartient à la catégorie de qualifications A2 ou Groupe 2 et qui a trois ans et sept mois d'expérience en enseignement est affecté à la case A2/Groupe 2-3.
  2. Pour chaque case du tableau 6, multiplier le nombre d'enseignants employés par le conseil qui sont affectés à la case par le nombre qui figure dans cette case du tableau 6.
  3. Additionner tous les produits obtenus aux termes de la disposition 2 pour le conseil.
  4. Diviser le total obtenu aux termes de la disposition 3 par le nombre total d'enseignants employés par le conseil.
  5. Soustraire un du nombre obtenu aux termes de la disposition 4.
  6. Multiplier le résultat obtenu aux termes de la disposition 5 par 2 685 \$.
  7. Multiplier la somme calculée aux termes de la disposition 6 par l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.
  8. Calculer la somme liée à l'aide spéciale visant la réorganisation du personnel du secondaire, conformément au paragraphe (11).
  9. Calculer la somme éventuelle liée à l'aide spéciale visant une moyenne élevée de crédits par élève, conformément au paragraphe (12).
  10. Additionner les sommes calculées aux termes des dispositions 7, 8 et 9.
- (11) Pour l'application de la disposition 8 du paragraphe (10), la somme liée à l'aide spéciale visant la réorganisation du personnel du secondaire est calculée en multipliant l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999 par 180 \$.
- (12) Pour l'application de la disposition 9 du paragraphe (10), la somme liée à l'aide spéciale visant une moyenne élevée de crédits par élève est calculée de la manière suivante :
1. Calculer le nombre moyen de crédits par élève du secondaire du conseil pour l'année scolaire 1997-1998.
  2. Déduire 7,2 du nombre calculé aux termes de la disposition 1 si celui-ci est égal ou inférieur à 7,5 mais supérieur à 7,2.
  3. Déduire 7,2 de 7,5 si le nombre calculé aux termes de la disposition 1 est supérieur à 7,5.
  4. Diviser le nombre obtenu aux termes de la disposition 2 ou 3, selon le cas, par 7,2.
  5. Multiplier le nombre obtenu aux termes de la disposition 4 par 2 748 \$.
  6. Multiplier le nombre obtenu aux termes de la disposition 5 par l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999.
- ÉLÉMENT APPRENTISSAGE DURANT LES PREMIÈRES ANNÉES D'ÉTUDES
34. (1) Pour l'application de la disposition 2 de l'article 11, l'élément apprentissage durant les premières années d'études pour un conseil scolaire de district est calculé conformément au présent article.
- (2) Si un conseil ne dispense un enseignement à la maternelle dans aucune de ses écoles en septembre 1998, l'élément apprentissage durant les premières années d'études pour le conseil est calculé de la manière suivante :



1. Determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only pupils of the board enrolled in any of kindergarten and grades one to three.
2. Multiply the number determined under paragraph 1 by \$609.

(3) Subject to subsection (5), if a board provides instruction in junior kindergarten in one or more of its schools in September of 1998, the amount of the early learning allocation for the board shall be determined as follows:

1. Determine the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only pupils of the board enrolled in any of kindergarten and grades one to three.
2. Multiply the number determined under paragraph 1 by \$609.
3. Determine the 1998-99 allocation per elementary pupil of the board, in accordance with subsection (4).
4. Multiply the amount determined under paragraph 3 by the day school full-time equivalent enrolment for the board as of October 31, 1998, counting only pupils of the board enrolled in junior kindergarten.
5. Deduct the amount determined under paragraph 4 from the amount determined under paragraph 2.

(4) For the purposes of paragraph 3 of subsection (3), the 1998-99 allocation per elementary pupil of the board shall be determined as follows:

1. Total the following amounts:
  - i. The remote and rural allocation amount for the board, as determined under section 30.
  - ii. The learning opportunities allocation amount for the board, as determined under section 31.
  - iii. The transportation allocation amount for the board, as determined under section 35.
  - iv. The administration and governance allocation amount for the board, as determined under section 36.
2. Divide the total obtained under paragraph 1 by the 1998-99 day school average daily enrolment of pupils of the board.
3. Determine an amount on account of the special education allocation for elementary pupils, as follows:
  - i. Multiply the 1998-99 day school average daily enrolment of elementary pupils of the board by \$347.
  - ii. Divide the amount determined for the board under paragraph 2 of section 14 by the 1998-99 day school average daily enrolment of pupils of the board.
  - iii. Multiply the result obtained under subparagraph ii by the 1998-99 day school average daily enrolment of elementary pupils of the board.
  - iv. Determine an amount on account of program ISA for elementary pupils, as follows:
    - A. If the amount determined for the board under clause 17 (a) is greater than the amount determined for the board under clause 17 (b), multiply the 1998-99 day school average daily enrolment of elementary pupils of the board by the per pupil amount specified for the board in Column 2 of Table 1.

1. Calculer l'effectif de jour à temps plein ou l'équivalent du conseil au 31 octobre 1998, en ne comptant que les élèves du conseil inscrits au jardin d'enfants et aux trois premières années d'études.
2. Multiplier le nombre calculé aux termes de la disposition 1 par 609 \$.

(3) Sous réserve du paragraphe (5), si un conseil offre la maternelle dans une ou plusieurs de ses écoles en septembre 1998, l'élément apprentissage durant les premières années d'études pour le conseil est calculé de la manière suivante :

1. Calculer l'effectif de jour à temps plein ou l'équivalent du conseil au 31 octobre 1998, en ne comptant que les élèves du conseil inscrits au jardin d'enfants et aux trois premières années d'études.
2. Multiplier le nombre calculé aux termes de la disposition 1 par 609 \$.
3. Calculer la somme allouée par élève de l'élémentaire du conseil pour 1998-1999, conformément au paragraphe (4).
4. Multiplier la somme calculée aux termes de la disposition 3 par l'effectif de jour à temps plein ou l'équivalent du conseil au 31 octobre 1998, en ne comptant que les élèves du conseil inscrits à la maternelle.
5. Déduire la somme obtenue aux termes de la disposition 4 de la somme obtenue aux termes de la disposition 2.

(4) Pour l'application de la disposition 3 du paragraphe (3), la somme allouée par élève de l'élémentaire du conseil pour 1998-1999 est calculée de la manière suivante :

1. Additionner les sommes suivantes :
  - i. L'élément conseils ruraux et éloignés pour le conseil, calculé aux termes de l'article 30.
  - ii. L'élément programmes d'aide à l'apprentissage pour le conseil, calculé aux termes de l'article 31.
  - iii. L'élément transport des élèves pour le conseil, calculé aux termes de l'article 35.
  - iv. L'élément administration et gestion pour le conseil, calculé aux termes de l'article 36.
2. Diviser le total obtenu aux termes de la disposition 1 par l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.
3. Calculer la part de l'élément éducation de l'enfance en difficulté qui vise les élèves de l'élémentaire, de la manière suivante :
  - i. Multiplier l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999 par 347 \$.
  - ii. Diviser la somme calculée pour le conseil aux termes de la disposition 2 de l'article 14 par l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.
  - iii. Multiplier le résultat obtenu aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
  - iv. Calculer la part de l'AAS liée aux programmes qui vise les élèves de l'élémentaire de la manière suivante :

- A. Si la somme calculée pour le conseil aux termes de l'alinéa 17 a) est supérieure à celle calculée pour lui aux termes de l'alinéa 17 b), multiplier l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999 par la somme par élève précisée, pour le conseil, à la colonne 2 du tableau 1.

- B. If the amount determined for the board under clause 17 (b) is greater than the amount determined for the board under clause 17 (a), calculate the part of the ISA level 2 and 3 funding total determined for the board under subsection 18 (5) that is generated by elementary pupils of the board.
- v. Total the amounts obtained under subparagraphs i, iii and iv.
4. Take the amount determined in relation to elementary small schools for the board under paragraph 4 of subsection 29 (11).
  5. In the case of an English-language district school board, determine an amount on account of the language allocation for elementary pupils, as follows:
    - i. Take the French as a second language amount for elementary pupils of the board, as calculated under subsection 22 (3).
    - ii. Calculate the part of the ESL/ESD amount for the board, as calculated under section 24, that is generated by elementary school pupils of the board.
    - iii. Add the amount taken under subparagraph i to the amount calculated under subparagraph ii.
  6. In the case of a French-language district school board, determine an amount on account of the language allocation for elementary pupils, as follows:
    - i. Total the amounts determined for the board under paragraphs 1 and 3 of subsection 26 (1).
    - ii. Divide the total determined for the board under paragraph 7 of subsection 28 (4) by the total number of instructional units determined for the board under paragraph 3 of subsection 28 (4). Multiply the result by the total number of elementary instructional units determined for the board under paragraph 1 of subsection 28 (4).
    - iii. Calculate the part of the PDF funding level for the board, as calculated under subsection 28 (11), that is generated by elementary school pupils of the board.
    - iv. Total the amount taken under subparagraph i, the product obtained under subparagraph ii and the amount calculated under subparagraph iii.
  7. Determine an amount on account of the teacher compensation allocation for elementary pupils, by calculating what the amount calculated for the board under paragraph 7 of subsection 33 (10) would be if the calculation under that paragraph were done counting only teachers employed by the board to provide instruction to elementary school pupils and counting only elementary pupils of the board.
  8. Take the amount determined in relation to elementary school renewal for the board under paragraph 6 of subsection 37 (7).
  9. Total the amounts taken or determined for the board under paragraphs 3 to 8.
  10. Divide the total obtained under paragraph 9 by the 1998-99 day school average daily enrolment of elementary pupils of the board.
  11. Total the following amounts:
    - i. \$3,367, on account of the foundation allocation.
    - ii. \$520, on account of school operations.
- B. Si la somme calculée pour le conseil aux termes de l'alinéa 17 b) est supérieure à celle calculée pour lui aux termes de l'alinéa 17 a), calculer la part des AAS de niveau 2 et 3, calculée pour le conseil aux termes du paragraphe 18 (5), qui vise ses élèves de l'élémentaire.
- v. Additionner les sommes obtenues aux termes des sous-dispositions i, iii et iv.
4. Prendre la somme calculée relativement aux petites écoles élémentaires du conseil aux termes de la disposition 4 du paragraphe 29 (11).
  5. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer l'élément enseignement des langues pour les élèves de l'élémentaire, de la manière suivante :
    - i. Prendre la somme liée aux programmes de français langue seconde pour les élèves de l'élémentaire du conseil, calculée aux termes du paragraphe 22 (3).
    - ii. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil, calculée aux termes de l'article 24, qui vise ses élèves de l'élémentaire.
    - iii. Additionner la somme prise aux termes de la sous-disposition i et la somme calculée aux termes de la sous-disposition ii.
  6. Dans le cas d'un conseil scolaire de district de langue française, calculer l'élément enseignement des langues pour les élèves de l'élémentaire, de la manière suivante :
    - i. Additionner les sommes calculées pour le conseil aux termes des dispositions 1 et 3 du paragraphe 26 (1).
    - ii. Diviser le total calculé pour le conseil aux termes de la disposition 7 du paragraphe 28 (4) par le nombre total de modules scolaires calculé pour le conseil aux termes de la disposition 3 de ce paragraphe. Multiplier le résultat par le nombre total de modules scolaires de l'élémentaire calculé pour le conseil aux termes de la disposition 1 du même paragraphe.
    - iii. Calculer la part du niveau de financement des programmes de PDF pour le conseil, calculé aux termes du paragraphe 28 (11) qui vise ses élèves de l'élémentaire.
    - iv. Additionner la somme prise aux termes de la sous-disposition i, le produit obtenu aux termes de la sous-disposition ii et la somme calculée aux termes de la sous-disposition iii.
  7. Calculer l'élément rémunération des enseignants pour les élèves de l'élémentaire, en calculant ce que serait la somme calculée pour le conseil aux termes de la disposition 7 du paragraphe 33 (10) si le calcul effectué aux termes de cette disposition était effectué en ne comptant que les enseignants employés par le conseil pour dispenser l'enseignement aux élèves de l'élémentaire et en ne comptant que les élèves de l'élémentaire du conseil.
  8. Prendre la somme calculée relativement à la réfection des écoles élémentaires pour le conseil aux termes de la disposition 6 du paragraphe 37 (7).
  9. Additionner les sommes prises ou calculées pour le conseil aux termes des dispositions 3 à 8.
  10. Diviser le total obtenu aux termes de la disposition 9 par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
  11. Additionner ce qui suit :
    - i. La somme de 3 367 \$, au titre de l'élément éducation de base.
    - ii. La somme de 520 \$, au titre du fonctionnement des écoles.

iii. The amount obtained under paragraph 2.

iii. La somme obtenue aux termes de la disposition 2.

iv. The amount obtained under paragraph 10.

iv. La somme obtenue aux termes de la disposition 10.

(5) If one or more of the predecessor old boards of the district school board did not provide junior kindergarten in any of its schools in September of 1997 and one or more of the predecessor old boards of the district school board provided junior kindergarten at a take-up rate of more than 93 per cent, the amount determined under subsection (3) as the early learning allocation for the district school board shall be increased by the supplementary amount, if any, determined by the Minister under subsection (6).

(5) Si un ou plusieurs des anciens conseils que remplace le conseil scolaire de district n'offraient la maternelle dans aucune de leurs écoles en septembre 1997 et qu'un ou plusieurs de ces anciens conseils offraient la maternelle avec un taux de participation de plus de 93 pour cent, la somme calculée aux termes du paragraphe (3) au titre de l'élément apprentissage durant les premières années d'études pour le conseil scolaire de district est augmentée de la somme supplémentaire éventuelle que fixe le ministre en vertu du paragraphe (6).

(6) The Minister, on application by the district school board, may determine a supplementary amount that he or she considers appropriate to adjust for the effect of the circumstances described in subsection (5) on the amount obtained for the board under subsection (3).

(6) Le ministre peut, sur demande du conseil scolaire de district, fixer une somme supplémentaire qu'il estime indiquée pour tenir compte de l'effet des circonstances visées au paragraphe (5) sur la somme obtenue pour le conseil aux termes du paragraphe (3).

(7) For the purposes of subsection (5), the take-up rate for an old board shall be determined by dividing the number of junior kindergarten pupils enrolled in schools of the old board on October 31, 1997 by the number of kindergarten pupils enrolled in schools of the old board on October 31, 1997.

(7) Pour l'application du paragraphe (5), le taux de participation d'un ancien conseil est calculé en divisant le nombre d'élèves de la maternelle inscrits à ses écoles le 31 octobre 1997 par le nombre d'élèves du jardin d'enfants inscrits à ses écoles le 31 octobre 1997.

#### TRANSPORTATION ALLOCATION

#### ÉLÉMENT TRANSPORT DES ÉLÈVES

35. (1) In this section,

35. (1) La définition qui suit s'applique au présent article.

"1997 actual expenditure allocation form" means the form provided by the Ministry, as part of the 1997 financial statement package, for the purpose of determining the French-English split of 1997 actual expenditures by old boards.

«formule de répartition des dépenses réelles de 1997» La formule fournie par le ministère dans la trousse des états financiers de 1997 aux fins du calcul de la répartition des dépenses réelles de 1997 des anciens conseils entre leur part de langue anglaise et celle de langue française.

(2) Subject to any adjustment made under subsection (6), for the purposes of paragraph 2 of section 11, the amount of the transportation allocation for an English-language district school board shall be determined as follows:

(2) Sous réserve de tout redressement effectué en vertu du paragraphe (6), pour l'application de la disposition 2 de l'article 11, l'élément transport des élèves pour un conseil scolaire de district de langue anglaise est calculé de la manière suivante :

1. For each predecessor old board of the district school board, take the amount shown on the old board's 1997 actual expenditure allocation form, at item 4.3.11, under the column heading "English Language Portion", as the net transportation cost.

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, prendre la somme correspondant au coût net du transport qui figure au poste 4.3.11 dans la colonne intitulée «Part Langue Anglaise», dans la formule de répartition des dépenses réelles de 1997 de l'ancien conseil.

2. For each predecessor old board of the district school board, multiply the amount determined under paragraph 1 by 97 per cent.

2. Pour chaque ancien conseil que remplace le conseil scolaire de district, multiplier la somme calculée aux termes de la disposition 1 par 97 pour cent.

3. Total the amounts determined under paragraph 2 for each predecessor old board of the district school board.

3. Additionner les sommes calculées aux termes de la disposition 2 pour tous les anciens conseils que remplace le conseil scolaire de district.

4. Determine the 1998-99 day school average daily enrolment of pupils of the district school board.

4. Calculer l'effectif quotidien moyen de jour des élèves du conseil scolaire de district pour 1998-1999.

5. For each predecessor old board of the district school board, calculate a 1997 day school average daily enrolment, as follows:

5. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'effectif quotidien moyen de jour pour 1997 de la manière suivante :

i. Determine the day school A.D.E. of resident-internal pupils of the old board, excluding pupils enrolled in a French-language instructional unit. For the purposes of this subparagraph, "day school A.D.E. of resident-internal pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

i. Calculer l'effectif quotidien moyen des élèves résidents internes de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue française. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves résidents internes de jour» s'entend au sens de «day school A.D.E. of resident-internal pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

ii. Determine the day school A.D.E. of non-resident pupils of the old board, excluding pupils enrolled in a French-language instructional unit and pupils described in subsection 2 (5). For the purposes of this subparagraph, "day school A.D.E. of non-resident pupil" has the same meaning

ii. Calculer l'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue française et des élèves visés au paragraphe 2 (5). Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves non rési-

as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

iii. Total the amounts determined under subparagraphs i and ii.

6. Total the numbers obtained under paragraph 5 for each predecessor old board of the district school board.

7. Divide the number obtained under paragraph 4 by the number obtained under paragraph 6.

8. Multiply the number obtained under paragraph 7 by the amount obtained under paragraph 3.

(3) In subsection (4),

"English-language instructional unit" means a class, group of classes or school in which the English language or American sign language is the language of instruction and includes a class, group of classes or school established under paragraph 25 of subsection 8 (1) of the Act.

(4) Subject to any adjustment made under subsection (6), for the purposes of paragraph 2 of section 11, the amount of the transportation allocation for a French-language district school board shall be determined as follows:

1. For each predecessor old board of the district school board, take the amount shown on the old board's 1997 actual expenditure allocation form, at item 4.3.11, under the column heading "French Language Portion", as the net transportation cost.

2. For each predecessor old board of the district school board, multiply the amount determined under paragraph 1 by 97 per cent.

3. Total the amounts determined under paragraph 2 for each predecessor old board of the district school board.

4. Determine the 1998-99 day school average daily enrolment of pupils of the district school board.

5. For each predecessor old board of the district school board, calculate a 1997 day school average daily enrolment, as follows:

i. Determine the 1997 day school A.D.E. of resident-internal pupils of the old board, excluding pupils enrolled in an English-language instructional unit. For the purposes of this subparagraph, "day school A.D.E. of resident-internal pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

ii. Determine the 1997 day school A.D.E. of non-resident pupils of the old board, excluding pupils enrolled in an English-language instructional unit and pupils described in subsection 2 (5). For the purposes of this subparagraph, "day school A.D.E. of non-resident pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

dents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

iii. Additionner les sommes calculées aux termes des sous-dispositions i et ii.

6. Additionner les nombres obtenus aux termes de la disposition 5 pour tous les anciens conseils que remplace le conseil scolaire de district.

7. Diviser le nombre obtenu aux termes de la disposition 4 par le nombre obtenu aux termes de la disposition 6.

8. Multiplier le nombre obtenu aux termes de la disposition 7 par la somme obtenue aux termes de la disposition 3.

(3) La définition qui suit s'applique au paragraphe (4).

«module scolaire de langue anglaise» S'entend d'une classe, d'un groupe de classes ou d'une école dans lesquels l'anglais ou la langue des signes américaine est la langue d'enseignement et, en outre, d'une classe, d'un groupe de classes ou d'une école créés en vertu de la disposition 25 du paragraphe 8 (1) de la Loi.

(4) Sous réserve de tout redressement effectué en vertu du paragraphe (6), pour l'application de la disposition 2 de l'article 11, l'élément transport des élèves pour un conseil scolaire de district de langue française est calculé de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, prendre la somme correspondant au coût net du transport qui figure au poste 4.3.11 dans la colonne intitulée «Part Langue Française», dans la formule de répartition des dépenses réelles de 1997 de l'ancien conseil.

2. Pour chaque ancien conseil que remplace le conseil scolaire de district, multiplier la somme calculée aux termes de la disposition 1 par 97 pour cent.

3. Additionner les sommes calculées aux termes de la disposition 2 pour tous les anciens conseils que remplace le conseil scolaire de district.

4. Calculer l'effectif quotidien moyen de jour des élèves du conseil scolaire de district pour 1998-1999.

5. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'effectif quotidien moyen de jour pour 1997 de la manière suivante :

i. Calculer l'effectif quotidien moyen des élèves résidents internes de jour de l'ancien conseil pour 1997, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves résidents internes de jour» s'entend au sens de «day school A.D.E. of resident-internal pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

ii. Calculer l'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil pour 1997, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise et des élèves visés au paragraphe 2 (5). Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves non résidents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97 si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une

iii. Total the amounts determined under subparagraphs i and ii.

6. Total the numbers obtained under paragraph 5 for each predecessor old board of the district school board.

7. Divide the number obtained under paragraph 4 by the number obtained under paragraph 6.

8. Multiply the number obtained under paragraph 7 by the amount obtained under paragraph 3.

(5) Subsection (6) applies where, as of September 15, 1998, a board the area of jurisdiction of which is wholly or partly the same as that of another board has not entered into an agreement with that other board providing for co-operative transportation services for pupils of the boards and has applied in writing to the Minister for a transportation allocation adjustment as between the two boards.

(6) Where a board applies under subsection (5), the Minister may adjust the amount of the transportation allocation for each of the two boards as the Minister considers appropriate to take into account the costs related to the transportation of pupils who are enrolled in schools of one or the other of the two boards as a result of a decision of either board to admit a pupil who is entitled to attend a school of the other board.

(7) Adjustments to transportation allocations for two boards made by the Minister under subsection (6) shall not affect the total of the allocations that would be determined for the two boards under subsections (2) and (4).

#### ADMINISTRATION AND GOVERNANCE ALLOCATION

36. (1) For the purposes of paragraph 2 of section 11, the amount of the administration and governance allocation for a district school board shall be determined as follows:

1. Determine the amount for the board for board members' honoraria and expenses and for expenses relating to pupil representation, in accordance with subsection (2).
2. Determine the amount for the board for directors of education and supervisory officers, in accordance with subsection (4).
3. Determine the amount for the board for administration costs, in accordance with subsection (5).
4. Total the amounts determined under paragraphs 1, 2 and 3.

(2) The amount for the board for board members' honoraria and expenses and for expenses relating to pupil representation shall be determined as follows:

1. Multiply the number of members on the board by \$5,000, on account of board members' honoraria. For the purposes of this paragraph, the number of members on the board is the sum of,
  - i. the number of members determined for the board under subclause 58.1 (2) (k) (i) of the Act, and
  - ii. the number of Native representatives determined for the board under subsection 188 (5) of the Act.
2. Multiply the number of members on the board by \$5,000, on account of board members' expenses. For the purposes of this paragraph, the number of members on the board is the sum of,
  - i. the number of members determined for the board under subclause 58.1 (2) (k) (i) of the Act, and

moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

iii. Additionner les sommes calculées aux termes des sous-dispositions i et ii.

6. Additionner les nombres obtenus aux termes de la disposition 5 pour tous les anciens conseils que remplace le conseil scolaire de district.

7. Diviser le nombre obtenu aux termes de la disposition 4 par le nombre obtenu aux termes de la disposition 6.

8. Multiplier le nombre obtenu aux termes de la disposition 7 par la somme obtenue aux termes de la disposition 3.

(5) Le paragraphe (6) s'applique si, au 15 septembre 1998, un conseil dont le territoire de compétence correspond, en totalité ou en partie, à celui d'un autre conseil n'a pas conclu avec celui-ci une entente prévoyant des services de transport coopératifs pour leurs élèves et a présenté par écrit au ministre une demande de redressement de l'élément transport des élèves entre les deux conseils.

(6) Si un conseil présente une demande aux termes du paragraphe (5), le ministre peut redresser l'élément transport des élèves pour chacun des deux conseils, selon ce qui lui semble indiqué, afin de tenir compte des coûts liés au transport des élèves qui sont inscrits aux écoles de l'un ou de l'autre de ces conseils par suite de la décision de l'un des conseils d'admettre un élève qui a le droit de fréquenter une école de l'autre.

(7) Les redressements des éléments transport des élèves des deux conseils que le ministre effectue en vertu du paragraphe (6) n'ont pas d'incidence sur le total des éléments qui seraient calculés pour les deux conseils aux termes des paragraphes (2) et (4).

#### ÉLÉMENT ADMINISTRATION ET GESTION

36. (1) Pour l'application de la disposition 2 de l'article 11, l'élément administration et gestion des conseils scolaires pour un conseil scolaire de district est calculé de la manière suivante :

1. Calculer la somme liée aux allocations et frais des membres du conseil et aux dépenses relatives à la représentation des élèves pour le conseil, conformément au paragraphe (2).
2. Calculer la somme liée aux directeurs de l'éducation et aux agents de supervision pour le conseil, conformément au paragraphe (4).
3. Calculer la somme liée aux frais d'administration pour le conseil, conformément au paragraphe (5).
4. Additionner les sommes calculées aux termes des dispositions 1, 2, et 3.

(2) La somme liée aux allocations et frais des membres du conseil et aux dépenses relatives à la représentation des élèves pour le conseil est calculée de la manière suivante :

1. Multiplier le nombre des membres du conseil par 5 000 \$ au titre de leurs allocations. Pour l'application de la présente disposition, le nombre des membres du conseil est la somme de ce qui suit :
  - i. le nombre de membres déterminé pour le conseil en vertu du sous-alinéa 58.1 (2) k) (i) de la Loi,
  - ii. le nombre de représentants autochtones déterminé pour le conseil en vertu du paragraphe 188 (5) de la Loi.
2. Multiplier le nombre des membres du conseil par 5 000 \$ au titre de leurs frais. Pour l'application de la présente disposition, le nombre des membres du conseil est la somme de ce qui suit :
  - i. le nombre de membres déterminé pour le conseil en vertu du sous-alinéa 58.1 (2) k) (i) de la Loi,

ii. the number of Native representatives determined for the board under subsection 188 (5) of the Act.

3. Total the products obtained under paragraphs 1 and 2.

4. Add \$10,000 to the amount determined under paragraph 3, on account of additional honoraria for the chair and vice-chair.

5. Add \$5,000 to the amount determined under paragraph 4, on account of expenses relating to pupil representation.

(3) For the purposes of subsection (4), pupils shall be counted on the basis of 1998-99 day school average daily enrolment of pupils of the board.

(4) The amount for the board for directors of education and supervisory officers shall be determined as follows:

1. Allow \$65,000 as a base amount.

2. Allow \$67 per pupil for the first 2,000 pupils of the board.

3. Allow \$25 per pupil for the next 23,000 pupils of the board.

4. Allow \$21 per pupil for the remaining pupils of the board.

5. Total the amounts allowed under paragraphs 1 to 4.

6. Add 2 per cent of the amount of the board's remote and rural allocation, as determined under section 30.

7. Add 0.5 per cent of the amount of the board's learning opportunities allocation, as determined under section 31.

8. Add 1 per cent of the amount calculated for the board for new pupil places under subsection 37 (8).

(5) The amount for the board for administration costs shall be determined as follows:

1. Allow \$80,000 as a base amount.

2. Add the product of \$174 and the 1998-99 day school average daily enrolment of pupils of the board.

3. Add 11 per cent of the amount of the board's remote and rural allocation, as determined under section 30.

4. Add 0.5 per cent of the amount of the board's learning opportunities allocation, as determined under section 31.

5. Add 1 per cent of the amount calculated for the board for new pupil places under subsection 37 (8).

#### PUPIL ACCOMMODATION ALLOCATION

37. (1) For the purposes of paragraph 2 of section 11, the amount of the pupil accommodation allocation for a district school board shall be determined as follows:

1. Determine the amount for the board for school operations, in accordance with subsection (2).

2. Determine the amount for the board for school renewal, in accordance with subsection (7).

3. Determine the amount for the board for new pupil places, in accordance with subsection (8).

4. Total the amounts determined under paragraphs 1, 2 and 3.

(2) The amount for the board for school operations shall be determined as follows:

ii. le nombre de représentants autochtones déterminé pour le conseil en vertu du paragraphe 188 (5) de la Loi.

3. Additionner les produits obtenus aux termes des dispositions 1 et 2.

4. Ajouter 10 000 \$ à la somme calculée aux termes de la disposition 3 au titre des allocations supplémentaires versées au président et au vice-président.

5. Ajouter 5 000 \$ à la somme calculée aux termes de la disposition 4 au titre des dépenses relatives à la représentation des élèves.

(3) Pour l'application du paragraphe (4), les élèves sont dénombrés en fonction de l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.

(4) La somme liée aux directeurs de l'éducation et aux agents de supervision du conseil est calculée de la manière suivante :

1. Prévoir 65 000 \$ comme somme de base.

2. Prévoir 67 \$ par élève pour la première tranche de 2 000 élèves du conseil.

3. Prévoir 25 \$ par élève pour la tranche suivante de 23 000 élèves du conseil.

4. Prévoir 21 \$ par élève pour le reste des élèves du conseil.

5. Additionner les sommes prévues aux termes des dispositions 1 à 4.

6. Ajouter deux pour cent de l'élément conseils ruraux et éloignés du conseil, calculé aux termes de l'article 30.

7. Ajouter 0,5 pour cent de l'élément apprentissage durant les premières années du conseil, calculé aux termes de l'article 31.

8. Ajouter 1 pour cent de la somme calculée pour le conseil au titre des nouvelles places aux termes du paragraphe 37 (8).

(5) La somme liée aux frais d'administration pour le conseil est calculée de la manière suivante :

1. Prévoir 80 000 \$ comme somme de base.

2. Additionner le produit de 174 \$ et de l'effectif quotidien moyen de jour des élèves du conseil pour 1998-1999.

3. Ajouter 11 pour cent de l'élément conseils ruraux et éloignés du conseil, calculé aux termes de l'article 30.

4. Ajouter 0,5 pour cent de l'élément apprentissage durant les premières années du conseil, calculé aux termes de l'article 31.

5. Ajouter 1 pour cent de la somme calculée pour le conseil au titre des nouvelles places aux termes du paragraphe 37 (8).

#### ÉLÉMENT INSTALLATIONS D'ACCUEIL POUR LES ÉLÈVES

37. (1) Pour l'application de la disposition 2 de l'article 11, l'élément installations d'accueil pour les élèves pour un conseil scolaire de district est calculé de la manière suivante :

1. Calculer la somme liée au fonctionnement des écoles pour le conseil, conformément au paragraphe (2).

2. Calculer la somme liée à la réfection des écoles pour le conseil, conformément au paragraphe (7).

3. Calculer la somme liée aux nouvelles places pour le conseil, conformément au paragraphe (8).

4. Additionner les sommes calculées aux termes des dispositions 1, 2 et 3.

(2) La somme liée au fonctionnement des écoles pour le conseil est calculée de la manière suivante :



1. Determine the 1998-99 day school average daily enrolment of elementary pupils of the board.
  2. Multiply the number determined under paragraph 1 by the benchmark area requirement per pupil of 9.29 metres squared, to obtain the elementary school area requirement for the board.
  3. Determine the adjusted elementary school area requirement for the board in metres squared, by applying, to the amount determined under paragraph 2, the supplementary elementary school area factor, if any, approved for the board by the Minister in accordance with subsections (3) and (4).
  4. Determine the day school average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 2 of the 1998-99 day school A.D.E. regulation, counting only pupils who are 21 years of age or more on December 31, 1998.
  5. Determine the continuing education average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 3 of the 1998-99 A.D.E. regulation, counting only pupils enrolled in a course for which the pupil may earn a credit or credit equivalent and in which instruction is given between 8 a.m. and 5 p.m. and excluding pupils enrolled in a continuing education course delivered primarily through means other than classroom instruction.
  6. Determine the summer school average daily enrolment for the board for the 1998-99 fiscal year, in accordance with section 4 of the 1998-99 A.D.E. regulation.
  7. Add the numbers determined under paragraphs 4, 5 and 6.
  8. Multiply the total determined under paragraph 7 by the benchmark area requirement per pupil of 9.29 metres squared, to obtain the adult education, continuing education and summer school area requirement for the board.
  9. Determine the adjusted adult education, continuing education and summer school area requirement for the board in metres squared, by applying, to the amount determined under paragraph 8, the supplementary adult education, continuing education and summer school area factor, if any, approved for the board by the Minister in accordance with subsection (5).
  10. Determine the 1998-99 day school average daily enrolment of secondary pupils of the board.
  11. Multiply the number determined under paragraph 10 by the benchmark area requirement per pupil of 12.07 metres squared, to obtain the secondary school area requirement for the board.
  12. Determine the adjusted secondary school area requirement for the board in metres squared, by applying, to the amount determined under paragraph 11, the supplementary secondary school area factor, if any, approved for the board by the Minister in accordance with subsection (6).
  13. Obtain the adjusted total area requirement for the board in metres squared by adding the following amounts:
    - i. The elementary school area requirement for the board determined under paragraph 2 or, where the Minister approves a supplementary elementary school area factor for the board, the adjusted elementary school area requirement for the board determined under paragraph 3.
1. Calculer l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
  2. Multiplier le nombre calculé aux termes de la disposition 1 par la superficie repère requise par élève de 9,29 mètres carrés, pour obtenir la superficie des écoles élémentaires requise pour le conseil.
  3. Calculer, en mètres carrés, la superficie redressée des écoles élémentaires requise pour le conseil en appliquant, à la valeur calculée aux termes de la disposition 2, le facteur éventuel relatif à la superficie supplémentaire des écoles élémentaires que le ministre approuve pour le conseil conformément aux paragraphes (3) et (4).
  4. Calculer l'effectif quotidien moyen de jour du conseil pour l'exercice 1998-1999 conformément à l'article 2 du règlement sur l'effectif quotidien moyen de jour de 1998-1999, en ne comptant que les élèves qui sont âgés de 21 ans ou plus le 31 décembre 1998.
  5. Calculer l'effectif quotidien moyen de l'éducation permanente du conseil pour l'exercice 1998-1999 conformément à l'article 3 du règlement sur l'effectif quotidien moyen de 1998-1999, en ne comptant que les élèves inscrits à un cours pour lequel ils peuvent obtenir un crédit ou une équivalence en crédits et dans lequel l'enseignement est dispensé entre 8 h et 17 h et à l'exclusion des élèves inscrits à un cours d'éducation permanente dispensé principalement par des moyens autres qu'un enseignement en classe.
  6. Calculer l'effectif quotidien moyen des cours d'été du conseil pour l'exercice 1998-1999 conformément à l'article 4 du règlement sur l'effectif quotidien moyen de 1998-1999.
  7. Additionner les nombres calculés aux termes des dispositions 4, 5 et 6.
  8. Multiplier le total obtenu aux termes de la disposition 7 par la superficie repère requise par élève de 9,29 mètres carrés pour obtenir la superficie liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil.
  9. Calculer, en mètres carrés, la superficie redressée liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil en appliquant, à la valeur calculée aux termes de la disposition 8, le facteur éventuel relatif à la superficie supplémentaire liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été que le ministre approuve pour le conseil conformément au paragraphe (5).
  10. Calculer l'effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999.
  11. Multiplier le nombre calculé aux termes de la disposition 10 par la superficie repère requise par élève de 12,07 mètres carrés pour obtenir la superficie des écoles secondaires requise pour le conseil.
  12. Calculer, en mètres carrés, la superficie redressée des écoles secondaires requise pour le conseil en appliquant, à la valeur calculée aux termes de la disposition 11, le facteur éventuel relatif à la superficie supplémentaire des écoles secondaires que le ministre approuve pour le conseil conformément au paragraphe (6).
  13. Obtenir la superficie totale en mètres carrés redressée requise pour le conseil en additionnant les valeurs suivantes :
    - i. La superficie des écoles élémentaires requise pour le conseil calculée aux termes de la disposition 2 ou, si le ministre approuve un facteur relatif à la superficie supplémentaire des écoles élémentaires pour le conseil, la superficie redressée des écoles élémentaires requise pour le conseil, calculée aux termes de la disposition 3.

- ii. The adult education, continuing education and summer school area requirement for the board determined under paragraph 8 or, where the Minister approves a supplementary adult education, continuing education and summer school area factor for the board, the adjusted adult education, continuing education and summer school area requirement for the board determined under paragraph 9.
- iii. The secondary school area requirement for the board determined under paragraph 11 or, where the Minister approves a supplementary secondary school area factor for the board, the adjusted secondary school area requirement for the board determined under paragraph 12.
14. Multiply the number obtained under paragraph 13 by the benchmark operating cost of \$55.97 per metre squared.
- (3) For the purposes of paragraph 3 of subsection (2), the Minister shall approve a supplementary elementary school area factor for a board if the Minister considers that it is appropriate to do so in order to make allowance for disproportionate space needs that are particular to the board and that are caused by,
- the fact that the board is reasonably operating a school that is too large for the community it serves, whether because of declining enrolment or for some other reason;
  - the fact that the board is reasonably operating a school in a building the physical characteristics of which are neither compatible with nor easily modified to conform to the benchmark area requirements referred to in subsection (2);
  - the fact that the board has disproportionately high space requirements because the board serves a disproportionately high number of pupils in special education programs or in other education programs with high space requirements; or
  - other circumstances similar to those described in clauses (a), (b) and (c).
- (4) In determining an amount for the purposes of subsection (3), the Minister shall have regard to the effect of the circumstances referred to in clauses 3 (a) to (d) on the board's space needs.
- (5) Subsections (3) and (4) apply with necessary modifications to authorize the Minister to approve a supplementary adult education, continuing education and summer school area factor for a board and, for the purpose, a reference to elementary school area shall be deemed to be a reference to adult education, continuing education and summer school area.
- (6) Subsections (3) and (4) apply with necessary modifications to authorize the Minister to approve a supplementary secondary school area factor for a board and, for the purpose, a reference to elementary school area shall be deemed to be a reference to secondary school area.
- (7) The amount for the board for school renewal shall be determined as follows:
- Take the percentage, as calculated by the board and approved by the Minister, of the actual total elementary school area of the board that relates to buildings that are less than 20 years old.
  - Apply the percentage referred to in paragraph 1 to the benchmark renewal cost per metre squared of \$6.89.
- ii. La superficie liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil calculée aux termes de la disposition 8 ou, si le ministre approuve un facteur relatif à la superficie supplémentaire liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été pour le conseil, la superficie redressée liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil, calculée aux termes de la disposition 9.
- iii. La superficie des écoles secondaires requise pour le conseil calculée aux termes de la disposition 11 ou, si le ministre approuve un facteur relatif à la superficie supplémentaire des écoles secondaires pour le conseil, la superficie redressée des écoles secondaires requise pour le conseil, calculée aux termes de la disposition 12.
14. Multiplier le nombre obtenu aux termes de la disposition 13 par le coût repère de fonctionnement de 55,97 \$ le mètre carré.
- (3) Pour l'application de la disposition 3 du paragraphe (2), le ministre approuve un facteur relatif à la superficie supplémentaire des écoles élémentaires pour un conseil s'il estime indiqué de ce faire pour tenir compte des besoins en matière d'espace supérieurs à la normale qui sont propres au conseil et qui découlent de l'une ou l'autre des circonstances suivantes :
- il est raisonnable que le conseil fasse fonctionner une école qui est trop grande pour la collectivité qu'elle dessert, pour quelque raison que ce soit, notamment la baisse des effectifs;
  - il est raisonnable que le conseil fasse fonctionner une école dans un bâtiment dont les caractéristiques physiques ne correspondent pas à la superficie repère requise visée au paragraphe (2) ni ne peuvent être modifiées facilement pour y correspondre;
  - le conseil a des besoins en matière d'espace supérieurs à la normale parce qu'il dessert un nombre supérieur à la normale d'élèves qui sont inscrits à des programmes d'enseignement à l'enfance en difficulté ou à d'autres programmes d'enseignement qui ont besoin de beaucoup d'espace;
  - il existe d'autres circonstances semblables à celles visées aux alinéas a), b) et c).
- (4) Lors du calcul d'une somme pour l'application du paragraphe (3), le ministre tient compte de l'incidence des circonstances visées aux alinéas 3 a) à d) sur les besoins du conseil en matière d'espace.
- (5) Les paragraphes (3) et (4) s'appliquent, avec les adaptations nécessaires, pour autoriser le ministre à approuver un facteur relatif à la superficie supplémentaire liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été pour un conseil. À cette fin, la mention de la superficie des écoles élémentaires est réputée une mention de la superficie liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été.
- (6) Les paragraphes (3) et (4) s'appliquent, avec les adaptations nécessaires, pour autoriser le ministre à approuver un facteur relatif à la superficie supplémentaire des écoles secondaires pour un conseil. À cette fin, la mention de la superficie des écoles élémentaires est réputée une mention de la superficie des écoles secondaires.
- (7) La somme liée à la réfection des écoles pour le conseil est calculée de la manière suivante :
- Prendre le pourcentage, calculé par le conseil et approuvé par le ministre, de la superficie totale réelle des écoles élémentaires du conseil qui se rapporte aux bâtiments qui datent de moins de 20 ans.
  - Appliquer le pourcentage visé à la disposition 1 au coût repère au mètre carré de réfection des écoles de 6,89 \$.



3. Take the percentage, as calculated by the board and approved by the Minister, of the actual total elementary school area of the board that relates to buildings that are 20 years old or older.
  4. Apply the percentage referred to in paragraph 3 to the benchmark renewal cost per metre squared of \$10.33.
  5. Add the amounts obtained under paragraphs 2 and 4, to obtain a weighted average benchmark elementary school renewal cost per metre squared.
  6. Multiply the amount obtained under paragraph 5 by the elementary school area requirement for the board determined under paragraph 2 of subsection (2) or, where the Minister approves a supplementary elementary school area factor for the board, the adjusted elementary school area requirement for the board determined under paragraph 3 of subsection (2).
  7. Take the percentage, as calculated by the board and approved by the Minister, of the actual total secondary school area of the board that relates to buildings that are less than 20 years old.
  8. Apply the percentage referred to in paragraph 7 to the benchmark renewal cost per metre squared of \$6.89.
  9. Take the percentage, as calculated by the board and approved by the Minister, of the actual total secondary school area of the board that relates to buildings that are 20 years old or older.
  10. Apply the percentage referred to in paragraph 9 to the benchmark renewal cost per metre squared of \$10.33.
  11. Add the amounts obtained under paragraphs 8 and 10, to obtain a weighted average benchmark secondary school renewal cost per metre squared.
  12. Multiply the amount obtained under paragraph 11 by the secondary school area requirement for the board determined under paragraph 11 of subsection (2) or, where the Minister approves a supplementary secondary school area factor for the board, the adjusted secondary school area requirement for the board determined under paragraph 12 of subsection (2).
  13. Multiply the amount obtained under paragraph 11 by the adult education, continuing education and summer school area requirement for the board determined under paragraph 8 of subsection (2) or, where the Minister approves a supplementary adult education, continuing education and summer school area factor for the board, the adjusted adult education, continuing education and summer school area requirement for the board determined under paragraph 9 of subsection (2).
  14. Add the amounts obtained under paragraphs 6, 12 and 13.
- (8) The amount for the board for new pupil places shall be determined as follows:
1. Determine the 1998-99 day school average daily enrolment of elementary pupils of the board.
  2. Subtract the elementary capacity for the board, in terms of pupil places, as determined by the Minister in accordance with subsection (10), from the number determined under paragraph 1.
  3. If the number determined under paragraph 2 is a positive number, multiply it by the benchmark area requirement of 9.29 metres squared.
3. Prendre le pourcentage, calculé par le conseil et approuvé par le ministre, de la superficie totale réelle des écoles élémentaires du conseil qui se rapporte aux bâtiments qui datent d'au moins 20 ans.
  4. Appliquer le pourcentage visé à la disposition 3 au coût repère au mètre carré de réfection des écoles de 10,33 \$.
  5. Additionner les sommes obtenues aux termes des dispositions 2 et 4 pour obtenir le coût repère moyen pondéré au mètre carré de réfection des écoles élémentaires.
  6. Multiplier la somme obtenue aux termes de la disposition 5 par la superficie des écoles élémentaires requise pour le conseil calculée aux termes de la disposition 2 du paragraphe (2) ou, si le ministre approuve un facteur relatif à la superficie supplémentaire des écoles élémentaires pour le conseil, la superficie redressée des écoles élémentaires requise pour le conseil, calculée aux termes de la disposition 3 du paragraphe (2).
  7. Prendre le pourcentage, calculé par le conseil et approuvé par le ministre, de la superficie totale réelle des écoles secondaires du conseil qui se rapporte aux bâtiments qui datent de moins de 20 ans.
  8. Appliquer le pourcentage visé à la disposition 7 au coût repère au mètre carré de réfection des écoles de 6,89 \$.
  9. Prendre le pourcentage, calculé par le conseil et approuvé par le ministre, de la superficie totale réelle des écoles secondaires du conseil qui se rapporte aux bâtiments qui datent d'au moins 20 ans.
  10. Appliquer le pourcentage visé à la disposition 9 au coût repère au mètre carré de réfection des écoles de 10,33 \$.
  11. Additionner les sommes obtenues aux termes des dispositions 8 et 10 pour obtenir le coût repère moyen pondéré au mètre carré de réfection des écoles secondaires.
  12. Multiplier la somme obtenue aux termes de la disposition 11 par la superficie des écoles secondaires requise pour le conseil calculée aux termes de la disposition 11 du paragraphe (2) ou, si le ministre approuve un facteur relatif à la superficie supplémentaire des écoles secondaires pour le conseil, la superficie redressée des écoles secondaires requise pour le conseil, calculée aux termes de la disposition 12 du paragraphe (2).
  13. Multiplier la somme obtenue aux termes de la disposition 11 par la superficie liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil, calculée aux termes de la disposition 8 du paragraphe (2), ou, si le ministre approuve un facteur relatif à la superficie supplémentaire liée à l'éducation des adultes, l'éducation permanente et aux cours d'été pour le conseil, la superficie redressée liée à l'éducation des adultes, à l'éducation permanente et aux cours d'été requise pour le conseil, calculée aux termes de la disposition 9 du paragraphe (2).
  14. Additionner les sommes obtenues aux termes des dispositions 6, 12 et 13.
- (8) La somme liée aux nouvelles places pour le conseil est calculée de la manière suivante :
1. Calculer l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil pour 1998-1999.
  2. Soustraire du nombre calculé aux termes de la disposition 1 la capacité d'accueil à l'élémentaire du conseil, exprimée en places, que le ministre calcule conformément au paragraphe (10).
  3. Multiplier le nombre obtenu aux termes de la disposition 2, s'il est positif, par la superficie repère requise de 9,29 mètres carrés.

4. Multiply the product obtained under paragraph 3 by the benchmark construction cost of \$118.40 per metre squared.
5. Determine the 1998-99 day school average daily enrolment of secondary pupils of the board.
6. Subtract the secondary capacity for the board, in terms of pupil places, as determined by the Minister in accordance with subsection (10), from the number determined under paragraph 5.
7. If the number determined under paragraph 6 is a positive number, multiply it by the benchmark area requirement of 12.07 metres squared.
8. Multiply the product obtained under paragraph 7 by the benchmark construction cost of \$129.17 per metre squared.
9. Add the products obtained under paragraphs 4 and 8.
10. Multiply the sum obtained under paragraph 9 by the geographic adjustment factor specified for the board in Table 7.

(9) In subsections (10) and (11),

“instructional space” means a space in a school that can reasonably be used for instructional purposes; (“aire d’enseignement”)

“school facilities data” means data relating to boards’ school facilities and includes school floor plans and other data compiled in accordance with the Ministry’s school facilities inventory system. (“données sur les installations scolaires”)

(10) For the purposes of paragraphs 2 and 6 of subsection (8), the Minister shall determine an elementary capacity and a secondary capacity for the board as follows:

1. Apply the loadings determined under subsection (11) to the elementary and secondary school instructional spaces of the board, as categorized under subsection (11).
2. Where applicable, adjust the result determined under paragraph 1 in accordance with subsection (12).

(11) The Minister shall determine loadings and categories of instructional space as follows:

1. Using school facilities data, the Minister shall identify categories of instructional space. In identifying categories of instructional space, the Minister shall have regard to but is not limited to the categories identified in Appendix 1 to the Ministry publication entitled “Capital Grant Plan 1979”, as amended to May 30, 1990.
2. The Minister shall assign a loading to each category of instructional space identified under paragraph 1, based on the number of pupils that can reasonably be accommodated in each category of instructional space.

(12) The Minister shall make such adjustments under paragraph 2 of subsection (10) as the Minister considers appropriate to take account of funds received by one board from another board in connection with a determination made under Ontario Regulation 460/97 respecting the disposition of an asset of an old board.

#### DEBT CHARGES ALLOCATION

38. (1) Subject to subsections (2) and (3), for the purposes of paragraph 2 of section 11, the amount of the debt charges allocation for a district school board shall be the total of the payments on account of principal and interest that are due and payable by the board in the 1998-99 fiscal year in order to service debt incurred, by the board or by a predecessor old board of the board, to finance the acquisition of a capital asset where,

4. Multiplier le produit obtenu aux termes de la disposition 3 par le coût repère de construction de nouvelles écoles de 118,40 \$ le mètre carré.
5. Calculer l’effectif quotidien moyen de jour des élèves du secondaire du conseil pour 1998-1999.
6. Soustraire du nombre calculé aux termes de la disposition 5 la capacité d’accueil au secondaire du conseil, exprimée en places, que le ministre calcule conformément au paragraphe (10).
7. Multiplier le nombre obtenu aux termes de la disposition 6, s’il est positif, par la superficie repère requise de 12,07 mètres carrés.
8. Multiplier le produit obtenu aux termes de la disposition 7 par le coût repère de construction de nouvelles écoles de 129,17 \$ le mètre carré.
9. Additionner les produits obtenus aux termes des dispositions 4 et 8.
10. Multiplier la somme obtenue aux termes de la disposition 9 par le facteur de redressement géographique précisé pour le conseil au tableau 7.

(9) Les définitions qui suivent s’appliquent aux paragraphes (10) et (11).

«aire d’enseignement» Espace dans une école qui peut raisonnablement être d’utilisé aux fins de l’enseignement. («instructional space»)

«données sur les installations scolaires» Données relatives aux installations scolaires des conseils et, en outre, plans d’étage et autres données réunies conformément au système de répertoire des installations scolaires du ministère. («school facilities data»)

(10) Pour l’application des dispositions 2 et 6 du paragraphe (8), le ministre calcule la capacité d’accueil à l’élémentaire et au secondaire du conseil de la manière suivante :

1. Appliquer les charges établies aux termes du paragraphe (11) aux aires d’enseignement à l’élémentaire et au secondaire du conseil, classées aux termes du paragraphe (11).
2. Redresser, s’il y a lieu, le résultat obtenu aux termes de la disposition 1 conformément au paragraphe (12).

(11) Le ministre établit les charges et les catégories d’aires d’enseignement de la manière suivante :

1. À partir des données sur les installations scolaires, le ministre désigne des catégories d’aires d’enseignement. Lorsqu’il désigne ces catégories, il tient compte, notamment, des catégories figurant à l’annexe 1 de la publication du ministère intitulée «Capital Grant Plan 1979» dans sa version du 30 mai 1990.
2. Le ministre affecte une charge à chaque catégorie d’aires d’enseignement qu’il désigne aux termes de la disposition 1, en fonction du nombre d’élèves qu’il est raisonnablement possible d’accueillir dans chacune d’elles.

(12) Le ministre effectue, aux termes de la disposition 2 du paragraphe (10), les redressements qu’il estime indiqués afin de comptabiliser les sommes qu’un conseil a reçues d’un autre relativement à une décision prise aux termes du Règlement de l’Ontario 460/97 : l’égard de l’affectation d’un élément d’actif d’un ancien conseil.

#### ÉLÉMENT SERVICE DE LA DETTE

38. (1) Sous réserve des paragraphes (2) et (3), pour l’application de la disposition 2 de l’article 11, l’élément service de la dette pour un conseil scolaire de district correspond au total des paiements, au titre de principal et des intérêts, qui sont exigibles du conseil au cours de l’exercice 1998-1999 pour assurer le service de la dette que celui-ci ou un ancien conseil qu’il remplace a contractée en vue de financer l’acquisition d’une immobilisation, si, selon le cas :

- (a) the acquisition is pursuant to a contractual obligation entered into by the board or predecessor old board before May 15, 1998; or
- (b) the acquisition is for the purposes of a capital project the estimated project cost of which was approved in writing by the Minister before May 15, 1998.

- a) l'acquisition est faite en vertu d'une obligation contractuelle que le conseil ou un ancien conseil qu'il remplace a contractée avant le 15 mai 1998;
- b) l'acquisition est faite aux fins d'un projet d'immobilisations dont le ministre a approuvé par écrit le coût estimatif avant le 15 mai 1998.

(2) With respect to debt incurred before May 15, 1998, subsection (1) ceases to apply in respect of a debt if the amount, terms or conditions of the obligation are re-negotiated on or after May 15, unless the re-negotiated amount, terms and conditions are approved in writing by the Minister.

(2) Le paragraphe (1) cesse de s'appliquer à l'égard d'une dette contractée avant le 15 mai 1998 si le montant ou les conditions de l'obligation sont renégociés le 15 mai ou après cette date, à moins que le ministre n'approuve par écrit le montant et les conditions renégociés.

(3) With respect to debt incurred on or after May 15, 1998, subsection (1) applies only if the amount, terms and conditions of the debt are approved in writing by the Minister.

(3) Le paragraphe (1) ne s'applique à l'égard d'une dette contractée le 15 mai 1998 ou après cette date que si le ministre en approuve par écrit le montant et les conditions.

#### PHASE-IN FUNDING

#### RÉDUCTION OU AUGMENTATION PROGRESSIVE DU FINANCEMENT

39. (1) In sections 40 to 47, a reference to the relevant language portion of an old board has the same meaning as in Ontario Regulation 285/98.

39. (1) Aux articles 40 à 47, la mention de la part linguistique pertinente d'un ancien conseil s'entend au sens du Règlement de l'Ontario 285/98.

(2) For the purposes of sections 40 to 47, the allocation ratio for the relevant language portion of an old board is the allocation ratio specified or determined for the language portion under section 13 of Ontario Regulation 285/98.

(2) Pour l'application des articles 40 à 47, le facteur de répartition de la part linguistique pertinente d'un ancien conseil est le facteur de répartition précisé ou calculé pour la part linguistique aux termes de l'article 13 du Règlement de l'Ontario 285/98.

(3) For the purposes of sections 40 to 47, if the Minister reasonably concludes that an amount reported at a code point in a financial statement is incorrect because of an error in calculation, because of an error in filling out the form for the financial statement or because an amendment to a previous legislative grant regulation was not taken into account in calculating the amount, the Minister shall make the appropriate correction and the corrected amount shall be deemed to be the amount reported at the code point in the financial statement.

(3) Pour l'application des articles 40 à 47, s'il a des motifs raisonnables de conclure qu'une somme figurant à un code dans un état financier est inexacte en raison d'une erreur de calcul, d'une erreur d'écriture ou parce qu'il n'a pas été tenu compte d'une modification apportée à un règlement antérieur sur les subventions générales lors du calcul de la somme, le ministre effectue la correction indiquée et la somme corrigée est réputée la somme figurant au code dans l'état financier.

40. For the purposes of paragraph 4 of section 11, the total determined for a district school board under paragraph 3 of section 11 shall be adjusted as follows:

40. Pour l'application de la disposition 4 de l'article 11, la somme obtenue pour un conseil scolaire de district aux termes de la disposition 3 de l'article 11 est redressée de la manière suivante :

1. Calculate the deemed operating revenue for 1997 for the board, in accordance with section 41.
2. Calculate the 1998-99 fiscal year operating revenue for the board, in accordance with section 42.
3. Using the calculations under paragraphs 1 and 2, calculate the change in operating revenue for the board, in accordance with section 43.
4. Calculate the deemed 1997 enrolment for the board, in accordance with section 44.
5. Calculate the adjusted change in operating revenue for the board, in accordance with section 45.
6. Where the adjusted change in operating revenue for the board is more than 1.04, subtract an amount determined in accordance with section 46 from the total determined for the board under paragraph 3 of section 11.
7. Where the adjusted change in operating revenue for the board or the change in operating revenue for the board is less than 0.96, add an amount determined in accordance with section 47 to the total determined for the board under paragraph 3 of section 11.

1. Calculer les recettes de fonctionnement de 1997 réputées telles du conseil conformément à l'article 41.
2. Calculer les recettes de fonctionnement pour l'exercice 1998-1999 du conseil conformément à l'article 42.
3. À partir des calculs effectués aux termes des dispositions 1 et 2, calculer la variation des recettes de fonctionnement du conseil conformément à l'article 43.
4. Calculer l'effectif de 1997 réputé tel du conseil conformément à l'article 44.
5. Calculer la variation redressée des recettes de fonctionnement du conseil conformément à l'article 45.
6. Si la variation redressée des recettes de fonctionnement du conseil est supérieure à 1,04, soustraire une somme calculée conformément à l'article 46 de la somme obtenue pour le conseil aux termes de la disposition 3 de l'article 11.
7. Si la variation redressée ou la variation des recettes de fonctionnement du conseil est inférieure à 0,96, ajouter une somme calculée conformément à l'article 47 au total obtenu pour le conseil aux termes de la disposition 3 de l'article 11.

41. For the purposes of paragraph 1 of section 40, the deemed operating revenue for 1997 for a district school board shall be calculated as follows:

41. Pour l'application de la disposition 1 de l'article 40, les recettes de fonctionnement de 1997 réputées telles d'un conseil scolaire de district sont calculées de la manière suivante :

1. For each predecessor old board of the district school board, take the provincial grant amount as reported in the audited 1997 financial statements of the old board at code point 0274.

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, prendre la somme au titre de la subvention provinciale, telle qu'elle figure au code 0274 dans les états financiers vérifiés de 1997 de l'ancien conseil.

2. For each predecessor old board of the district school board, adjust the amount referred to in paragraph 1 to obtain the amount that would have been reported in the audited statements of the old board at code point 0274 if there had been no withdrawal of employee services or lock-out of employees in 1997.

3. For each predecessor old board of the district school board, calculate a 1997 local taxation amount, as follows:

- i. Total the amounts reported in the audited 1997 financial statements of the old board at code points 0247 and 0249.
- ii. Subtract the amount reported in the audited 1997 financial statements of the old board at code point 0245 from the total determined under subparagraph i.

iii. Add the lesser of,

A. the amount reported in the audited 1997 financial statements of the old board at code point 0248, and

B. the greater of,

1. the amount included in the 1997 estimates of the old board in respect of the taxes receivable in 1997 by it under section 35 of the *Assessment Act*, and

2. the average of the amounts received by the old board in 1992, 1993, 1994, 1995 and 1996 under section 35 of the *Assessment Act*.

For the purposes of sub-sub-subparagraph 2 of sub-subparagraph B, if the amount received in any one of the five years exceeds the five-year average by 75 per cent or more, the average shall be calculated excluding that year.

4. For each predecessor old board of the district school board, add the amount calculated under paragraph 3 to the amount referred to in paragraph 1, as adjusted, where applicable, under paragraph 2.

5. For each predecessor old board of the district school board, subtract from the amount determined under paragraph 4 the lesser of,

i. the amount reported as tax write-offs in the audited 1997 financial statements of the old board at code point 7712, and

ii. the greater of,

A. the amounts included in the 1997 estimates of the old board in respect of the amounts chargeable in 1997 to it by a municipal council under section 421 of the *Municipal Act*, not including taxes receivable in 1997 by the old board to the extent that such taxes were cancelled or reduced as a result of a resolution of the old board, and

B. the average of the amounts charged to the old board in 1992, 1993, 1994, 1995 and 1996 by a municipal council under section 421 of the *Municipal Act*, not including taxes receivable in those years by the old board to the extent that such taxes were cancelled or reduced as a result of a resolution of the old board.

For the purposes of sub-subparagraph B of subparagraph ii, if the amount charged in any one of the five years exceeds the five-year average by 75 per cent or more, the average shall be calculated excluding that year.

2. Pour chaque ancien conseil que remplace le conseil scolaire de district, redresser la somme visée à la disposition 1 pour obtenir la somme qui aurait figurée dans les états financiers vérifiés de l'ancien conseil au code 0274 en l'absence d'une grève ou d'un lock-out des employés en 1997.

3. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer une somme au titre des impôts locaux de 1997 de la manière suivante :

i. Additionner les sommes qui figurent aux codes 0247 et 0249 dans les états financiers vérifiés de 1997 de l'ancien conseil.

ii. Soustraire la somme qui figure au code 0245 dans les états financiers vérifiés de 1997 de l'ancien conseil du total obtenu aux termes de la sous-disposition i.

iii. Additionner le moindre de ce qui suit :

A. la somme qui figure au code 0248 dans les états financiers vérifiés de 1997 de l'ancien conseil,

B. le plus élevé de ce qui suit :

1. la somme qui figure dans les prévisions budgétaires de 1997 de l'ancien conseil à l'égard des impôts qu'il a pu recevoir en 1997 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*,

2. la moyenne des sommes que l'ancien conseil a reçues en 1992, 1993, 1994, 1995 et 1996 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*.

Pour l'application de la sous-sous-sous-disposition 2 de la sous-sous-disposition B, toute année de la période de cinq ans pendant laquelle la somme reçue est supérieure d'au moins 75 pour cent à la moyenne quinquennale est exclue du calcul de cette moyenne.

4. Pour chaque ancien conseil que remplace le conseil scolaire de district, ajouter la somme calculée aux termes de la disposition 3 à la somme visée à la disposition 1, redressée, s'il y a lieu, aux termes de la disposition 2.

5. Pour chaque ancien conseil que remplace le conseil scolaire de district, soustraire de la somme calculée aux termes de la disposition 4 le moindre de ce qui suit :

i. la somme au titre des radiations de l'impôt local, telle qu'elle figure au code 7712 dans les états financiers vérifiés de 1997 de l'ancien conseil,

ii. le plus élevé de ce qui suit :

A. les sommes qui figurent dans les prévisions budgétaires de 1997 de l'ancien conseil à l'égard des sommes qu'un conseil municipal peut exiger de lui en 1997 aux termes de l'article 421 de la *Loi sur les municipalités*, à l'exclusion des impôts que l'ancien conseil a pu recevoir en 1997 dans la mesure où ces impôts ont été annulés ou réduits par suite d'une de ses résolutions,

B. la moyenne des sommes qu'un conseil municipal a exigées de l'ancien conseil en 1992, 1993, 1994, 1995 et 1996 aux termes de l'article 421 de la *Loi sur les municipalités*, à l'exclusion des impôts que l'ancien conseil a pu recevoir pendant ces années dans la mesure où ces impôts ont été annulés ou réduits par suite d'une de ses résolutions.

Pour l'application de la sous-sous-disposition B de la sous-disposition ii, toute année de la période de cinq ans pendant laquelle la somme exigée est supérieure d'au moins 75 pour cent à la moyenne quinquennale est exclue du calcul de cette moyenne.

6. For each predecessor old board of the district school board, account for net capital expenditure, as follows:

i. Subtract, from the amount determined under paragraph 5, the total of the amounts reported in the audited 1997 financial statements of the old board at code points 0283, 7305, 7307, 7405, 7410, 8012 and 8112.

ii. Add, to the amount determined under subparagraph i, the total of the amounts reported in the audited 1997 financial statements of the old board at code points 0225, 0226, 0229, 0237, 0238 and 0287.

iii. Add, to the amount determined under subparagraph ii, that part of the amount reported in the audited 1997 financial statements of the old board at code point 0227 that was applied to expenditures that are included in the amounts shown in those financial statements at code points 7305 and 7405. This subparagraph applies only to an amount included at code point 0227 if its application to an expenditure included at code point 7305 to 7405 was authorized in 1997 by a resolution of the old board.

7. Multiply the amount determined under paragraph 6 by the allocation ratio for the relevant language portion of the old board.

8. For each predecessor old board of the district school board, account for net tuition fee revenue, as follows:

i. Add, to the amount determined under paragraph 7, the total of the tuition fee revenues reported in the audited 1997 financial statements of the old board at code points 0201 and 0204 that, in the case of an English-language district school board, relate to pupils enrolled in English-language instructional units and, in the case of a French-language district school board, relate to pupils enrolled in French-language instructional units.

ii. Subtract, from the amount determined under subparagraph i, the tuition fee expenditures reported in the audited 1997 financial statements of the old board at code point 7209 that, in the case of an English-language district school board, relate to pupils enrolled in English-language instructional units and, in the case of a French-language district school board, relate to pupils enrolled in French-language instructional units.

In this paragraph, "English-language instructional unit" means a class, group of classes or school in which the English language or American sign language is the language of instruction and includes a class, group of classes or school established under paragraph 25 of subsection 8 (1) of the Act.

9. Total the amounts determined under paragraph 8 for each old board that is a predecessor of the district school board.

42. For the purposes of paragraph 2 of section 40, the 1998-99 fiscal year operating revenue for a district school board shall be calculated as follows:

1. Total the amounts determined for the board under this Regulation for each type of allocation.

2. Deduct the amount determined for the board for school renewal under subsection 37 (7).

3. Deduct the amount determined for the board for new pupil places under subsection 37 (8).

6. Pour chaque ancien conseil que remplace le conseil scolaire de district, tenir compte des dépenses d'immobilisations nettes de la manière suivante :

i. Soustraire de la somme calculée aux termes de la disposition 5 le total des sommes qui figurent aux codes 0283, 7305, 7307, 7405, 7410, 8012 et 8112 dans les états financiers vérifiés de 1997 de l'ancien conseil.

ii. Ajouter à la somme calculée aux termes de la sous-disposition i le total des sommes qui figurent aux codes 0225, 0226, 0229, 0237, 0238 et 0287 dans les états financiers vérifiés de 1997 de l'ancien conseil.

iii. Ajouter à la somme calculée aux termes de la sous-disposition ii la fraction de la somme qui figure au code 0227 dans les états financiers vérifiés de 1997 de l'ancien conseil et qui a été affectée aux dépenses incluses dans les sommes qui figurent aux codes 7305 et 7405 dans ces états. La présente sous-disposition ne s'applique à une somme qui figure au code 0227 que si son affectation à une dépense figurant aux codes 7305 à 7405 a été autorisée en 1997 par une résolution de l'ancien conseil.

7. Multiplier la somme calculée aux termes de la disposition 6 par le facteur de répartition de la part linguistique pertinente de l'ancien conseil.

8. Pour chaque ancien conseil que remplace le conseil scolaire de district, tenir compte des recettes nettes provenant des droits de scolarité, de la manière suivante :

i. Ajouter à la somme calculée aux termes de la disposition 7 le total des recettes provenant des droits de scolarité qui figurent aux codes 0201 et 0204 dans les états financiers vérifiés de 1997 de l'ancien conseil et qui, dans le cas d'un conseil scolaire de district de langue anglaise, se rapportent aux élèves inscrits aux modules scolaires de langue anglaise et, dans le cas d'un conseil scolaire de district de langue française, aux élèves inscrits aux modules scolaires de langue française.

ii. Soustraire de la somme calculée aux termes de la sous-disposition i, les dépenses liées aux droits de scolarité qui figurent au code 7209 dans les états financiers vérifiés de 1997 de l'ancien conseil et qui, dans le cas d'un conseil scolaire de district de langue anglaise, se rapportent aux élèves inscrits aux modules scolaires de langue anglaise et, dans le cas d'un conseil scolaire de district de langue française, aux élèves inscrits aux modules scolaires de langue française.

À la présente disposition, «module scolaire de langue anglaise» s'entend d'une classe, d'un groupe de classes ou d'une école dans lesquels l'anglais ou la langue des signes américaine est la langue d'enseignement et, en outre, d'une classe, d'un groupe de classes ou d'une école créés en vertu de la disposition 25 du paragraphe 8 (1) de la Loi.

9. Additionner les sommes calculées aux termes de la disposition 8 pour tous les anciens conseils que remplace le conseil scolaire de district.

42. Pour l'application de la disposition 2 de l'article 40, les recettes de fonctionnement de l'exercice 1998-1999 d'un conseil scolaire de district sont calculées de la manière suivante :

1. Additionner les sommes calculées pour le conseil aux termes du présent règlement pour chaque genre d'élément.

2. Déduire la somme calculée pour le conseil au titre de la réfection des écoles aux termes du paragraphe 37 (7).

3. Déduire la somme calculée pour le conseil au titre des nouvelles places aux termes du paragraphe 37 (8).



4. Deduct the amount of the debt charges allocation for the board, as determined under section 38.

43. For the purposes of paragraph 3 of section 40, the change in operating revenue for a board shall be calculated by dividing the 1998-99 fiscal year operating revenue for the board, as determined under section 42, by the deemed operating revenue for 1997 for the board, as determined under section 41.

44. (1) For the purposes of paragraph 4 of section 40, the deemed 1997 enrolment for an English-language district school board shall be calculated as follows:

1. For each predecessor old board of the district school board, calculate a 1997 enrolment number, as follows:

i. Determine the day school A.D.E. of resident-internal pupils of the old board, excluding pupils enrolled in a French-language instructional unit and pupils enrolled in junior kindergarten. For the purposes of this subparagraph, "day school A.D.E. of resident-internal pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

ii. Determine the day school A.D.E. of non-resident pupils of the old board, excluding pupils enrolled in a French-language instructional unit, pupils described in subsection 2 (5) and pupils enrolled in junior kindergarten. For the purposes of this subparagraph, "day school A.D.E. of non-resident pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

iii. Total the amounts determined under subparagraphs i and ii.

2. Total the amounts determined under paragraph 1 for each old board that is a predecessor of the district school board.

(2) In subsection (3),

"English-language instructional unit" means a class, group of classes or school in which the English language or American sign language is the language of instruction and includes a class, group of classes or school established under paragraph 25 of subsection 8 (1) of the Act.

(3) For the purposes of paragraph 4 of section 40, the deemed 1997 enrolment for a French-language district school board shall be calculated as follows:

1. For each predecessor old board of the district school board, calculate a 1997 enrolment number, as follows:

i. Determine the day school A.D.E. of resident-internal pupils of the old board, excluding pupils enrolled in an English-language instructional unit and pupils enrolled in junior kindergarten. For the purposes of this subparagraph, "day school A.D.E. of resident-internal pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

4. Déduire l'élément service de la dette pour le conseil, calculé aux termes de l'article 38.

43. Pour l'application de la disposition 3 de l'article 40, la variation des recettes de fonctionnement d'un conseil est calculée en divisant les recettes de fonctionnement de l'exercice 1998-1999 du conseil, calculées aux termes de l'article 42, par ses recettes de fonctionnement de 1997 réputées telles, calculées aux termes de l'article 41.

44. (1) Pour l'application de la disposition 4 de l'article 40, l'effectif de 1997 réputé tel d'un conseil scolaire de district de langue anglaise est calculé de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'effectif de 1997 de la manière suivante :

i. Calculer l'effectif quotidien moyen des élèves résidents internes de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue française et des élèves inscrits à la maternelle. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves résidents internes de jour» s'entend au sens de «day school A.D.E. of resident-internal pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

ii. Calculer l'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue française, des élèves visés au paragraphe 2 (5) et des élèves inscrits à la maternelle. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves non résidents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

iii. Additionner les sommes calculées aux termes des sous-dispositions i et ii.

2. Additionner les sommes calculées aux termes de la disposition 1 pour tous les anciens conseils que remplace le conseil scolaire de district.

(2) La définition qui suit s'applique au paragraphe (3).

«module scolaire de langue anglaise» S'entend d'une classe, d'un groupe de classes ou d'une école dans lesquels l'anglais ou la langue des signes américaine est la langue d'enseignement et, en outre, d'une classe, d'un groupe de classes ou d'une école créés en vertu de la disposition 25 du paragraphe 8 (1) de la Loi.

(3) Pour l'application de la disposition 4 de l'article 40, l'effectif de 1997 réputé tel d'un conseil scolaire de district de langue française est calculé de la manière suivante :

1. Pour chaque ancien conseil que remplace le conseil scolaire de district, calculer l'effectif de 1997 de la manière suivante :

i. Calculer l'effectif quotidien moyen des élèves résidents internes de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise et des élèves inscrits à la maternelle. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves résidents internes de jour» s'entend au sens de «day school A.D.E. of resident-internal pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

ii. Determine the day school A.D.E. of non-resident pupils of the old board, excluding pupils enrolled in an English-language instructional unit, pupils described in subsection 2 (5) and pupils enrolled in junior kindergarten. For the purposes of this subparagraph, "day school A.D.E. of non-resident pupil" has the same meaning as in Ontario Regulation 78/97, except that a pupil who is enrolled in kindergarten shall be counted as a full-time pupil if he or she, in respect of a cycle, is registered for classroom instruction for an average of at least 210 minutes per school day.

iii. Total the amounts determined under subparagraphs i and ii.

2. Total the amounts determined under paragraph 1 for each old board that is a predecessor of the district school board.

45. For the purposes of paragraph 5 of section 40, the adjusted change in operating revenue for a board shall be calculated by multiplying the change in operating revenue calculated for the board under section 43 by a factor obtained by dividing the deemed 1997 enrolment for the board, calculated under section 44, by the 1998-99 day school average daily enrolment of pupils of the board, excluding pupils of the board enrolled in junior kindergarten.

46. (1) This section applies where the adjusted change in operating revenue for the board, as calculated under section 45, is more than 1.04.

(2) Where this section applies, an amount calculated as follows shall be subtracted from the total determined for the board under paragraph 3 of section 11:

1. Determine the amount by which the adjusted change in operating revenue for the board, as calculated under section 45, exceeds 1.04.

2. Multiply the amount obtained under paragraph 1 by the deemed operating revenue for 1997 for the board, as calculated under section 41.

47. (1) This section applies where the adjusted change in operating revenue for the board, as calculated under section 45, or the change in operating revenue for the board, as calculated under section 43, is less than 0.96.

(2) Where this section applies, an amount calculated as follows shall be added to the total determined for the board under paragraph 3 of section 11:

1. Determine the amount by which the change in operating revenue for the board, as calculated under section 43, is less than 0.96.

2. Multiply the amount obtained under paragraph 1 by the deemed operating revenue for 1997 for the board, as calculated under section 41.

3. Determine the amount by which the adjusted change in operating revenue for the board, as calculated under section 45, is less than 0.96.

4. Multiply the amount obtained under paragraph 3 by the deemed operating revenue for 1997 for the board, as calculated under section 41.

5. The greater of the amounts determined under paragraphs 2 and 4 is the amount to be added to the total determined for the board under paragraph 3 of section 11.

ii. Calculer l'effectif quotidien moyen des élèves non résidents de jour de l'ancien conseil, à l'exclusion des élèves inscrits à un module scolaire de langue anglaise, des élèves visés au paragraphe 2 (5) et des élèves inscrits à la maternelle. Pour l'application de la présente sous-disposition, «effectif quotidien moyen des élèves non résidents de jour» s'entend au sens de «day school A.D.E. of non-resident pupils» dans le Règlement de l'Ontario 78/97, si ce n'est que l'élève qui est inscrit au jardin d'enfants est compté comme élève à temps plein s'il est inscrit pour une moyenne d'au moins 210 minutes d'enseignement en classe par jour de classe à l'égard d'un horaire.

iii. Additionner les sommes calculées aux termes des sous-dispositions i et ii.

2. Additionner les sommes calculées aux termes de la disposition 1 pour tous les anciens conseils que remplace la conseil scolaire de district.

45. Pour l'application de la disposition 5 de l'article 40, la variation redressée des recettes de fonctionnement d'un conseil est calculée en multipliant la variation des recettes de fonctionnement calculée pour le conseil aux termes de l'article 43 par un facteur obtenu en divisant l'effectif de 1997 réputé tel du conseil, calculé aux termes de l'article 44, par l'effectif quotidien moyen de jour des élèves du conseil, à l'exclusion de ceux inscrits à la maternelle, pour 1998-1999.

46. (1) Le présent article s'applique si la variation redressée des recettes de fonctionnement du conseil, calculée aux termes de l'article 45, est supérieure à 1,04.

(2) Si le présent article s'applique, il est soustrait du total obtenu pour le conseil aux termes de la disposition 3 de l'article 11 une somme calculée de la manière suivante :

1. Calculer l'excédent de la variation redressée des recettes de fonctionnement du conseil, calculées aux termes de l'article 45, sur 1,04.

2. Multiplier la valeur obtenue aux termes de la disposition 1 par les recettes de fonctionnement de 1997 réputées telles du conseil, calculées aux termes de l'article 41.

47. (1) Le présent article s'applique si la variation redressée des recettes de fonctionnement du conseil, calculée aux termes de l'article 45, ou la variation des recettes de fonctionnement du conseil, calculée aux termes de l'article 43, est inférieure à 0,96.

(2) Si le présent article s'applique, il est ajouté au total obtenu pour le conseil aux termes de la disposition 3 de l'article 11 une somme calculée de la manière suivante :

1. Calculer la différence entre la variation des recettes de fonctionnement du conseil, calculées aux termes de l'article 43, et 0,96.

2. Multiplier la somme obtenue aux termes de la disposition 1 par les recettes de fonctionnement de 1997 réputées telles du conseil, calculées aux termes de l'article 41.

3. Calculer la différence entre la variation redressée des recettes de fonctionnement du conseil, calculée aux termes de l'article 45, et 0,96.

4. Multiplier la somme obtenue aux termes de la disposition 3 par les recettes de fonctionnement de 1997 réputées telles du conseil, calculées aux termes de l'article 41.

5. La somme à ajouter au total calculé pour le conseil aux termes de la disposition 3 de l'article 11 est la plus élevée des sommes calculées aux termes des dispositions 2 et 4.

GRANTS FOR CAPITAL PROJECTS FOR WHICH AN ESTIMATED COST  
WAS APPROVED BEFORE SEPTEMBER 1, 1998

48. (1) In this section,

“capital project” means a project for the acquisition of capital assets;  
 (“projet d’immobilisations”)

“capital projects Table” means Table 2 to Ontario Regulation  
285/98. (“tableau des projets d’immobilisations”)

(2) For the purposes of this section, a capital project is an approved  
1998-99 capital project if,

(a) the Minister gives an approval in writing of the estimated cost for  
the project on or before September 1, 1998; and

(b) the Minister gives a final approval in writing for the project  
during the period beginning September 1, 1998 and ending  
August 31, 1999.

(3) For the purposes of this section,

(a) an approved 1998-99 capital project is an approved 1998-99  
growth capital project if the project is intended to result in an  
increase in the pupil places of a board or in the purchase of land  
for the purposes of increasing the pupil places of a board; and

(b) an approved 1998-99 capital project is an approved 1998-99  
non-growth capital project if it is not an approved growth capital  
project.

(4) A district school board shall be paid a grant in respect of each  
approved 1998-99 capital project of the board in an amount equal to the  
product of,

(a) the lesser of,

(i) the project cost specified in the final approval for the project  
referred to in clause (2) (b), and

(ii) the total of the actual expenditures by the board for the  
project in respect of which claims are made in accordance  
with the directions of the Minister before August 31, 1999;  
and

(b) the rate determined under subsections (6) to (8).

(5) When exercising the authority provided by subsection 234 (8) of  
the Act for the purposes of grants payable under this section, the  
Minister may provide for an instalment to be paid after August 31, 1999.

(6) The rate for an approved 1998-99 non-growth capital project of  
a district school board is the rate set out in Column 3 of the capital  
projects Table, opposite the listing in Column 1 for the district school  
board and the listing in Column 2 for the predecessor old board that  
proposed the project.

(7) The rate for an approved 1998-99 growth capital project of a  
district school board is the rate set out in Column 4 of the capital projects  
Table, opposite the listing in Column 1 for the district school board and  
the listing in Column 2 for the predecessor old board that proposed the  
project.

(8) Despite subsections (6) and (7), the rate for an approved 1998-99  
capital project in respect of a secondary school of a French-language  
district school board is the rate set out in Column 5 of the capital projects  
Table, opposite the listing in Column 1 for the district school board and  
the listing in Column 2 for the predecessor old board that proposed the  
project.

SUBVENTIONS AU TITRE DES PROJETS D'IMMOBILISATIONS  
DONT LE COÛT ESTIMATIF EST APPROUVÉ AVANT LE 1<sup>er</sup> SEPTEMBRE 1998

48. (1) Les définitions qui suivent s'appliquent au présent article.

«projet d'immobilisations» Projet visant l'acquisition d'immobilisations.  
 («capital project»)

«tableau des projets d'immobilisations» Le tableau 2 du Règlement de  
l'Ontario 285/98. («capital projects Table»)

(2) Pour l'application du présent article, constitue un projet  
d'immobilisations de 1998-1999 approuvé le projet d'immobilisations  
qui réunit les conditions suivantes :

a) le ministre approuve par écrit le coût estimatif du projet au plus  
tard le 1<sup>er</sup> septembre 1998;

b) le ministre donne son approbation écrite définitive au projet  
pendant la période qui commence le 1<sup>er</sup> septembre 1998 et qui se  
termine le 31 août 1999.

(3) Pour l'application du présent article :

a) d'une part, le projet d'immobilisations de 1998-1999 approuvé  
qui vise à entraîner une augmentation des places du conseil ou  
l'acquisition de biens-fonds aux fins d'une telle augmentation  
constitue un projet d'immobilisations de 1998-1999 approuvé lié  
à la croissance;

b) d'autre part, le projet d'immobilisations de 1998-1999 approuvé  
qui n'est pas un projet d'immobilisations approuvé lié à la  
croissance constitue un projet d'immobilisations de 1998-1999  
approuvé non lié à la croissance.

(4) Le conseil scolaire de district reçoit pour chacun de ses projets  
d'immobilisations de 1998-1999 approuvés une subvention égale au  
produit de ce qui suit :

a) le moindre de ce qui suit :

(i) le coût du projet que précise l'approbation définitive visée à  
l'alinéa (2) b),

(ii) le total des dépenses réelles que le conseil a engagées dans le  
cadre du projet dont il demande le remboursement  
conformément aux directives du ministre avant le 31 août  
1999;

b) le taux fixé aux termes des paragraphes (6) à (8).

(5) Le ministre peut prévoir le paiement d'un versement après le 31  
août 1999 lorsqu'il exerce le pouvoir que lui confère le paragraphe  
234 (8) de la Loi aux fins des subventions visées au présent article.

(6) Le taux applicable au projet d'immobilisations de 1998-1999  
approuvé non lié à la croissance du conseil scolaire de district est le taux  
qui figure à la colonne 3 du tableau des projets d'immobilisations, en  
regard de la mention du conseil scolaire de district à la colonne 1 et de  
celle de l'ancien conseil remplacé qui a proposé le projet à la colonne 2.

(7) Le taux applicable au projet d'immobilisations de 1998-1999  
approuvé lié à la croissance du conseil scolaire de district est le taux qui  
figure à la colonne 4 du tableau des projets d'immobilisations, en regard  
de la mention du conseil scolaire de district à la colonne 1 et de celle de  
l'ancien conseil remplacé qui a proposé le projet à la colonne 2.

(8) Malgré les paragraphes (6) et (7), le taux applicable au projet  
d'immobilisations de 1998-1999 approuvé concernant une école  
secondaire du conseil scolaire de district de langue française est le taux  
qui figure à la colonne 5 du tableau des projets d'immobilisations, en  
regard de la mention du conseil scolaire de district à la colonne 1 et de  
celle de l'ancien conseil remplacé qui a proposé le projet à la colonne 2.



49. (1) Any grant or portion of a grant that is payable to a district school board in respect of a capital project under a previous legislative grant regulation and that is not paid before September 1, 1998 shall be deemed to be a grant payable under this Regulation.

(2) When exercising the authority provided by subsection 234 (8) of the Act for the purposes of grants or portions of grants payable under this section, the Minister may provide for an instalment to be paid after August 31, 1999.

(3) Any grant or portion of a grant that is payable under subsection (1) is not payable under any previous legislative grant regulation.

#### ENVELOPING

50. It is a condition of the payment of a grant to a district school board under this Regulation that the board manage its estimates process and its expenditures so as to ensure compliance with the requirements of sections 51 to 53.

51. (1) For the purposes of this section,

- (a) an expenditure by a board is a classroom expenditure if it is an expenditure categorized in the 1998-99 Uniform Code of Accounts as a classroom expenditure; and
- (b) an expenditure by a board is a non-classroom expenditure if it is an expenditure categorized in the 1998-99 Uniform Code of Accounts as a non-classroom expenditure.

(2) The Minister shall prepare and publish the 1998-99 Uniform Code of Accounts, categorizing board expenditures as classroom and non-classroom expenditures, before the beginning of the 1998-99 fiscal year.

(3) In meeting the requirements of subsection (2), the Minister shall follow the categorizations of classroom and non-classroom expenditures set out in the following three documents:

1. The Ministry publication entitled "Instructions for Updating the Costing Framework for 1996 and 1997", dated May 30, 1997.
2. The Table entitled "Allocation of Grants to Expenditure Categories", published by the Ministry and distributed to boards on March 25, 1998.
3. Appendix 1 to the Ministry publication entitled "Calculation of 1997 Net Expenditure", distributed to boards in April, 1998.

(4) Subsection (3) does not prevent the Minister from making minor adjustments in categorizations for the purpose of improving the accuracy with which classroom and non-classroom expenditures are distinguished.

(5) Subject to subsection (10), a district school board shall ensure that its 1998-99 net classroom expenditure amount, calculated in accordance with subsection (6), is at least equal to its 1998-99 classroom expenditure allocation amount, calculated in accordance with subsection (8).

(6) For the purposes of subsection (5), the 1998-99 net classroom expenditure amount for a board shall be determined as follows:

1. Determine the total amount of the board's classroom expenditures in the 1998-99 fiscal year.
2. Subtract the amount determined for the board under subsection (7), on account of classroom-related revenue from sources other than legislative grants and school taxes.

49. (1) La subvention ou la fraction de subvention qu'un conseil scolaire de district peut recevoir à l'égard d'un projet d'immobilisations aux termes d'un règlement antérieur sur les subventions générales et qui n'est pas versée avant le 1<sup>er</sup> septembre 1998 est réputée une subvention qu'il peut recevoir aux termes du présent règlement.

(2) Le ministre peut prévoir le paiement d'un versement après le 31 août 1999 lorsqu'il exerce le pouvoir que lui confère le paragraphe 234 (8) de la Loi aux fins des subventions ou fractions de subvention visées au présent article.

(3) La subvention ou la fraction de subvention exigible aux termes du paragraphe (1) ne l'est pas aux termes d'un règlement antérieur sur les subventions générales.

#### ENVELOPPES

50. L'obligation pour les conseils scolaires de district de gérer leur processus d'établissement des prévisions budgétaires et leurs dépenses de façon conforme aux exigences des articles 51 à 53 est une condition du versement des subventions prévues par le présent règlement.

51. (1) Pour l'application du présent article :

- a) constitue une dépense liée aux classes la dépense du conseil qui est classée comme telle dans le plan comptable uniforme de 1998-1999;
- b) constitue une dépense non liée aux classes la dépense du conseil qui est classée comme telle dans le plan comptable uniforme de 1998-1999.

(2) Le ministre prépare et publie le plan comptable uniforme de 1998-1999, qui classe les dépenses des conseils dans les dépenses liées aux classes et les dépenses non liées aux classes, avant le début de l'exercice 1998-1999.

(3) Pour satisfaire aux exigences du paragraphe (2), le ministre utilise les catégories de dépenses liées aux classes et de dépenses non liées aux classes énoncées dans les trois documents suivants :

1. La publication du 30 mai 1997 du ministère intitulée «Directives pour la mise à jour du cadre d'établissement des coûts pour 1996 et 1997».
2. Le tableau intitulé «Affectation des subventions aux catégories de dépenses», publié par le ministère et distribué aux conseils le 25 mars 1998.
3. L'annexe 1 de la publication du ministère intitulée «Calculation of 1997 Net Expenditure», distribuée aux conseils en avril 1998.

(4) Le paragraphe (3) n'a pas pour effet d'empêcher le ministre d'apporter des corrections mineures aux catégories afin de préciser la distinction entre les dépenses liées aux classes et les dépenses non liées aux classes.

(5) Sous réserve du paragraphe (10), un conseil scolaire de district fait en sorte que ses dépenses nettes liées aux classes pour 1998-1999, calculées conformément au paragraphe (6), soient au moins égales à ses dépenses liées aux classes pour 1998-1999, calculées conformément au paragraphe (8).

(6) Pour l'application du paragraphe (5), les dépenses nettes liées aux classes d'un conseil pour 1998-1999 sont calculées de la manière suivante :

1. Calculer les dépenses totales liées aux classes du conseil pour l'exercice 1998-1999.
2. Soustraire les recettes liées aux classes qui proviennent de sources autres que des subventions générales et des impôts scolaires, calculées pour le conseil aux termes du paragraphe (7).

(7) For the purposes of paragraph 2 of subsection (6), the amount on account of classroom-related revenue from sources other than legislative grants and school taxes for the board shall be the total of the following amounts:

1. Take 68.49 per cent of the board's revenues under the 1998-99 fees regulation.
2. Determine the total of the amounts spent on classroom expenditures from reserves of the board in the 1998-99 fiscal year.
3. This paragraph applies to grants to the board, other than grants made under this Regulation, and to donations to the board, where the board is legally required to spend the full amount of the grant or donation on expenditures that are classroom expenditures within the meaning of this section. Determine the amount received by the board in the 1998-99 fiscal year from grants and donations to which this paragraph applies.
4. This paragraph applies to grants to the board, other than grants made under this Regulation, and to donations to the board, where the board is not legally required to spend the full amount of the grant or donation on expenditures that are classroom expenditures within the meaning of this section. Determine the amount received by the board in the 1998-99 fiscal year from grants and donations to which this paragraph applies that are spent in the 1998-99 fiscal year on expenditures that are classroom expenditures within the meaning of this section.

(8) For the purposes of subsection (5), the 1998-99 classroom expenditure allocation amount for a board shall be determined as follows:

1. Determine the amount calculated for the board under paragraph 2 of section 13, on account of the foundation allocation for elementary school pupils.
2. Apply the percentage specified in Table 8 for the elementary school part of foundation allocations to the amount determined for the board under paragraph 1.
3. Determine the amount calculated for the board under paragraph 4 of section 13, on account of the foundation allocation for secondary school pupils.
4. Apply the percentage specified in Table 8 for the secondary school part of foundation allocations to the amount determined for the board under paragraph 3.
5. Determine an amount for the board on account of French as a first or second language and Native as a second language, as follows:
  - i. In the case of an English-language district school board, total the amounts determined for the board under paragraphs 1 and 2 of section 21.
  - ii. In the case of a French-language district school board, total the amounts determined for the board under paragraphs 1 and 2 of section 25.
6. Apply the percentage specified in Table 8 for French as a first or second language and Native as a second language to the amount determined for the board under paragraph 5.
7. Determine an amount for the board on account of ESL/ESD/ALF/PDF, as follows:
  - i. In the case of an English-language district school board, take the amount determined for the board under paragraph 3 of section 21.

(7) Pour l'application de la disposition 2 du paragraphe (6), les recettes liées aux classes qui proviennent de sources autres que des subventions générales et des impôts scolaires pour le conseil correspondent au total des sommes suivantes :

1. Prendre 68,49 pour cent des recettes du conseil visées par le règlement sur les droits de 1998-1999.
2. Calculer le total des sommes affectées aux dépenses liées aux classes, prélevées sur les réserves du conseil pendant l'exercice 1998-1999.
3. La présente disposition s'applique aux subventions versées au conseil, autres que les subventions prévues aux termes du présent règlement, et aux dons qui lui sont faits, si le conseil est tenu en droit d'affecter la totalité de la subvention ou du don aux dépenses qui sont des dépenses liées aux classes au sens du présent article. Calculer la somme reçue par le conseil pendant l'exercice 1998-1999 sous forme de subventions et de dons auxquels s'applique la présente disposition.
4. La présente disposition s'applique aux subventions versées au conseil, autres que les subventions prévues aux termes du présent règlement, et aux dons qui lui sont faits, si le conseil n'est pas tenu en droit d'affecter la totalité de la subvention ou du don aux dépenses qui sont des dépenses liées aux classes au sens du présent article. Calculer la somme reçue par le conseil pendant l'exercice 1998-1999 sous forme de subventions et de dons auxquels s'applique la présente disposition et qui sont affectés, pendant l'exercice 1998-1999, à des dépenses qui sont des dépenses liées aux classes au sens du présent article.

(8) Pour l'application du paragraphe (5), les dépenses liées aux classes d'un conseil pour 1998-1999 sont calculées de la manière suivante :

1. Calculer la part de l'élément éducation de base, calculée pour le conseil aux termes de la disposition 2 de l'article 13, qui vise les élèves de l'élémentaire.
2. Appliquer le pourcentage précisé au tableau 8 pour la part de l'élément éducation de base qui vise les écoles élémentaires à la somme calculée pour le conseil aux termes de la disposition 1.
3. Calculer la part de l'élément éducation de base, calculée pour le conseil aux termes de la disposition 4 de l'article 13, qui vise les élèves du secondaire.
4. Appliquer le pourcentage précisé au tableau 8 pour la part de l'élément éducation de base qui vise les écoles secondaires à la somme calculée pour le conseil aux termes de la disposition 3.
5. Calculer pour le conseil une somme liée aux programmes de français langue première ou langue seconde et aux programmes de langue autochtone langue seconde de la manière suivante :
  - i. Dans le cas d'un conseil scolaire de district de langue anglaise, additionner les sommes calculées pour le conseil aux termes des dispositions 1 et 2 de l'article 21.
  - ii. Dans le cas d'un conseil scolaire de district de langue française, additionner les sommes calculées pour le conseil aux termes des dispositions 1 et 2 de l'article 25.
6. Appliquer le pourcentage précisé au tableau 8 pour les sommes liées aux programmes de français langue première ou langue seconde et aux programmes de langue autochtone langue seconde à la somme calculée pour le conseil aux termes de la disposition 5.
7. Calculer pour le conseil une somme liée aux programmes d'ESL/ESD/ALF/PDF de la manière suivante :
  - i. Dans le cas d'un conseil scolaire de district de langue anglaise, prendre la somme calculée pour le conseil aux termes de la disposition 3 de l'article 21.

- ii. In the case of a French-language district school board, take the amount determined for the board under paragraph 3 of section 25.
8. Apply the percentage specified in Table 8 for ESL/ESD/ALF/PDF to the amount determined for the board under paragraph 7.
9. Determine an amount for the board on account of the elementary school part of teacher compensation allocations, by calculating what the amount calculated for the board under paragraph 7 of subsection 33 (10) would be if the calculation were done counting only teachers employed by the board to provide instruction to elementary school pupils and counting only elementary pupils of the board.
10. Apply the percentage specified in Table 8 for elementary school teacher compensation to the amount determined for the board under paragraph 9.
11. Determine an amount for the board on account of the secondary school part of teacher compensation allocations, by subtracting, from the amount determined for the board under subsection 33 (10), the total of,
  - i. the amount determined for the board under paragraph 9, and
  - ii. the special assistance amount for re-organization of secondary school staff determined for the board under paragraph 8 of subsection 33 (10).
12. Apply the percentage specified in Table 8 for secondary school teacher compensation to the amount determined for the board under paragraph 11.
13. Determine the amount of each type of allocation determined for the board under sections 14, 29, 30, 31 and 34.
14. Apply the percentage specified in Table 8 for each type of allocation for which an amount is determined under paragraph 13 to the amount determined for the board under paragraph 13 for that type of allocation.
15. Multiply the enrolment number determined for the board under paragraph 1 of subsection 32 (1) by \$2,257, to determine an adult day school amount for the board.
16. Apply the percentage specified in Table 8 for adult day school to the amount determined for the board under paragraph 15.
17. Determine the amount, if any, calculated for the board under subsection 46 (2) as a phase-in funding deduction amount. Apply the percentage determined for the board under subsection (9) to that amount.
18. Determine the amount, if any, calculated for the board under subsection 47 (2) as a phase-in funding addition amount. Apply the percentage determined for the board under subsection (9) to that amount.
19. Total the amounts determined for the board under paragraphs 2, 4, 6, 8, 10, 12, 14 and 16.
20. Where paragraph 17 applies to the board, deduct the amount obtained for the board under that paragraph from the amount obtained for the board under paragraph 19.
21. Where paragraph 18 applies to the board, add the amount obtained for the board under that paragraph from the amount obtained for the board under paragraph 19.
- ii. Dans le cas d'un conseil scolaire de district de langue française, prendre la somme calculée pour le conseil aux termes de la disposition 3 de l'article 25.
8. Appliquer le pourcentage précisé au tableau 8 pour les sommes liées aux programmes d'ESL/ESD/ALF/PDF à la somme calculée pour le conseil aux termes de la disposition 7.
9. Calculer pour le conseil la part de l'élément rémunération des enseignants qui vise les écoles élémentaires, en calculant ce que serait la somme calculée pour le conseil aux termes de la disposition 7 du paragraphe 33 (10) si le calcul était effectué en ne comptant que les enseignants employés par le conseil pour dispenser l'enseignement aux élèves de l'élémentaire et en ne comptant que les élèves de l'élémentaire du conseil.
10. Appliquer le pourcentage précisé au tableau 8 pour la rémunération des enseignants des écoles élémentaires à la somme calculée pour le conseil aux termes de la disposition 9.
11. Calculer pour le conseil la part de l'élément rémunération des enseignants qui vise les écoles secondaires, en soustrayant de la somme calculée pour le conseil aux termes du paragraphe 33 (10) le total de ce qui suit :
  - i. la somme calculée pour le conseil aux termes de la disposition 9,
  - ii. la somme liée à l'aide spéciale visant la réorganisation du personnel du secondaire calculée pour le conseil aux termes de la disposition 8 du paragraphe 33 (10).
12. Appliquer le pourcentage précisé au tableau 8 pour la rémunération des enseignants des écoles secondaires à la somme calculée pour le conseil aux termes de la disposition 11.
13. Calculer le montant de chaque genre d'élément visé aux articles 14, 29, 30, 31 et 34 pour le conseil.
14. Appliquer le pourcentage précisé au tableau 8 pour chaque genre d'élément mentionné à la disposition 13 au montant calculé pour le conseil aux termes de cette disposition pour ce genre d'élément.
15. Multiplier l'effectif calculé pour le conseil aux termes de la disposition 1 du paragraphe 32 (1) par 2 257 \$ pour calculer la somme liée à l'éducation des adultes de jour pour le conseil.
16. Appliquer le pourcentage précisé au tableau 8 pour l'éducation des adultes de jour à la somme calculée pour le conseil aux termes de la disposition 15.
17. Établir la somme éventuelle calculée pour le conseil aux termes du paragraphe 46 (2) comme réduction progressive du financement. Appliquer le pourcentage calculé pour le conseil aux termes du paragraphe (9) à cette somme.
18. Établir la somme éventuelle calculée pour le conseil aux termes du paragraphe 47 (2) comme augmentation progressive du financement. Appliquer le pourcentage calculé pour le conseil aux termes du paragraphe (9) à cette somme.
19. Additionner les sommes calculées pour le conseil aux termes des dispositions 2, 4, 6, 8, 10, 12, 14 et 16.
20. Si la disposition 17 s'applique au conseil, déduire la somme obtenue pour le conseil aux termes de cette disposition de la somme obtenue pour le conseil aux termes de la disposition 19.
21. Si la disposition 18 s'applique au conseil, additionner la somme obtenue pour le conseil aux termes de cette disposition à la somme obtenue pour le conseil aux termes de la disposition 19.

(9) For the purposes of paragraphs 17 and 18 of subsection (8), the board shall determine a percentage that reasonably corresponds to the way in which the board actually applies the phase-in funding deduction amount or phase-in funding addition amount, as the case may be, to classroom expenditures in the 1998-99 fiscal year.

(10) A board shall be deemed to be in compliance with subsection (5) where its 1998-99 classroom expenditure allocation, calculated in accordance with subsection (8), exceeds its 1998-99 net classroom expenditure amount, calculated in accordance with subsection (6), if the board demonstrates, in a written report to the Minister, that the excess is accounted for by reason of expenditures other than non-classroom expenditures.

(11) For example,

- (a) an amount paid on account of a part of a deficit from a previous year where the part of the deficit is reasonably attributable to classroom expenditures is not a non-classroom expenditure; and
- (b) an amount placed in a reserve fund for classroom expenditures is not a non-classroom expenditure.

52. (1) Subject to subsection (2), a district school board shall ensure that an amount equal to the special education allocation determined for the board under section 14, less the programs in facilities amount determined for the board under section 19, is spent in the 1998-99 fiscal year on special education for pupils of the board.

(2) Where a board's expenditure on special education for its pupils in the 1998-99 fiscal year is less than the result obtained by subtracting the programs in facilities amount determined for the board under section 19 from the special education allocation determined for the board under section 14, the board shall place the difference in the board's special education reserve fund.

(3) This section shall not be interpreted as limiting the amount that a board may spend on special education.

53. (1) Subject to subsection (2), a district school board shall ensure that an amount equal to the total of the amount determined for the board under subsection 37 (7) for school renewal and the amount determined for the board under subsection 37 (8) for new pupil places is spent in the 1998-99 fiscal year on the acquisition of capital assets.

(2) Where a board's expenditure in the 1998-99 fiscal year on the acquisition of capital assets is less than the total amount referred to in subsection (1), the board shall place the difference in the board's pupil accommodation reserve fund.

(3) This section shall not be interpreted as limiting the amount that a board may spend on the acquisition of capital assets.

54. (1) It is a condition of the payment of a grant to a district school board under this Regulation that,

- (a) the board manage its estimates process and its expenditures so that the total of its administration expenditures and governance expenditures in the 1998-99 fiscal year does not exceed the administration and governance allocation amount determined for it under section 36; or
  - (b) the board submit the plan referred to in subsection (6).
- (2) For the purposes of this section,

(9) Pour l'application des dispositions 17 et 18 du paragraphe (8), le conseil calcule un pourcentage qui correspond de façon raisonnable à la manière dont il applique effectivement la réduction progressive ou l'augmentation progressive, selon le cas du financement, aux dépenses liées aux classes pendant l'exercice 1998-1999.

(10) Un conseil est réputé se conformer au paragraphe (5) si ses dépenses liées aux classes pour 1998-1999, calculées conformément au paragraphe (8), sont supérieures à ses dépenses nettes liées aux classes pour 1998-1999, calculées conformément au paragraphe (6), et qu'il prouve, dans un rapport écrit remis au ministre, que l'excédent se justifie par des dépenses autres que des dépenses non liées aux classes.

(11) Par exemple :

- a) la somme versée au titre de la part du déficit d'une année antérieure ne constitue pas une dépense non liée aux classes si cette part est imputable de façon raisonnable aux dépenses liées aux classes;
- b) la somme versée dans un fonds de réserve pour dépenses liées aux classes ne constitue pas une dépense non liée aux classes.

52. (1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte qu'une somme égale à l'élément éducation de l'enfance en difficulté calculé pour lui aux termes de l'article 14, déduction faite de la somme liée aux programmes dispensés dans des établissements calculée pour lui aux termes de l'article 19, soit affectée pendant l'exercice 1998-1999 à des mesures d'éducation de l'enfance en difficulté pour ses élèves.

(2) Le conseil verse dans son fonds de réserve pour l'éducation de l'enfance en difficulté la différence entre la dépense qu'il affecte à des mesures d'éducation de l'enfance en difficulté pour ses élèves pendant l'exercice 1998-1999 et le résultat obtenu en soustrayant la somme liée aux programmes dispensés dans des établissements calculée pour lui aux termes de l'article 19 de l'élément éducation de l'enfance en difficulté calculé pour lui aux termes de l'article 14, si la dépense est inférieure à ce résultat.

(3) Le présent article ne doit pas être interprété de façon à limiter la somme que le conseil peut affecter à des mesures d'éducation de l'enfance en difficulté.

53. (1) Sous réserve du paragraphe (2), le conseil scolaire de district fait en sorte qu'une somme égale au total de la somme calculée pour lui aux termes du paragraphe 37 (7) au titre de la réfection des écoles et de la somme calculée pour lui aux termes du paragraphe 37 (8) au titre des nouvelles places soit affectée à l'acquisition d'immobilisations au cours de l'exercice 1998-1999.

(2) Le conseil verse dans son fonds de réserve pour installations d'accueil pour les élèves la différence entre la dépense qu'il engage pour faire l'acquisition d'immobilisations au cours de l'exercice 1998-1999 et le total visé au paragraphe (1) si la dépense est inférieure à ce total.

(3) Le présent article ne doit pas être interprété de façon à limiter la somme que le conseil peut affecter à l'acquisition d'immobilisations.

54. (1) Constitue une condition du versement des subventions prévues par le présent règlement l'obligation pour les conseils scolaires de district :

- a) soit de gérer leur processus d'établissement des prévisions budgétaires et leurs dépenses de façon que le total des dépenses d'administration et de gestion qu'ils engagent au cours de l'exercice 1998-1999 ne soit pas supérieur à l'élément administration et gestion calculé pour eux aux termes de l'article 36;
- b) soit de remettre le plan visé au paragraphe (6).

(2) Pour l'application du présent article :

(a) an expenditure by a board is an administration expenditure if it is an expenditure categorized in the 1998-99 Uniform Code of Accounts as an administration expenditure; and

(b) an expenditure by a board is a governance expenditure if it is an expenditure categorized in the 1998-99 Uniform Code of Accounts as a governance expenditure.

(3) The Minister shall ensure that the 1998-99 Uniform Code of Accounts, required by subsection 51 (2), states which items of board expenditures are in the category of administration expenditure and which are in the category of governance expenditure.

(4) In meeting the requirements of subsection (3), the Minister shall follow the categorizations of administration expenditures and governance expenditures set out in the three documents referred to in subsection 51 (3).

(5) Subsection (4) does not prevent the Minister from making minor adjustments in categorizations for the purpose of improving the accuracy with which,

(a) board expenditures that relate to administration are identified; and

(b) board expenditures that relate to governance are identified.

(6) Where the total of a board's administration expenditures and governance expenditures in the 1998-99 fiscal year exceeds the administration and governance allocation amount determined for the board under section 36, the board shall submit a written plan to the Minister outlining how it proposes to reduce the total of the amounts that it spends on administration expenditures and governance expenditures so that, by the fiscal year 2000-2001, that total does not exceed the administration and governance allocation amount determined for the board under section 36.

### PART III GRANTS TO SCHOOL AUTHORITIES

#### GRANTS TO ISOLATE BOARDS

55. (1) For the purposes of this section, the approved expenditure of an isolate board is the expenditure that is acceptable to the Minister as shown on the forms provided by the Ministry to the isolate board for the purpose of calculating its 1998-99 legislative grant.

(2) In making determinations for the purposes of subsection (1), the Minister shall apply the funding formula on which the provisions of this Regulation relating to grants to district school boards is based, with such adaptations as the Minister considers advisable to take account of characteristics particular to school authorities.

(3) For the purposes of this section, the 1998-99 tax revenue of an isolate board shall be determined as follows:

#### 1. Add,

- i. 38 per cent of the total of the amounts distributed to the isolate board in respect of the 1998 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,

a) constitue une dépense d'administration la dépense du conseil qui est classée comme telle dans le plan comptable uniforme de 1998-1999;

b) constitue une dépense de gestion la dépense du conseil qui est classée comme telle dans le plan comptable uniforme de 1998-1999.

(3) Le ministre fait en sorte que le plan comptable uniforme de 1998-1999, qu'exige le paragraphe 51 (2), indique les postes des dépenses du conseil qui appartiennent à la catégorie des dépenses d'administration et ceux qui appartiennent à la catégorie des dépenses de gestion.

(4) Pour satisfaire aux exigences du paragraphe (3), le ministre utilise les catégories de dépenses d'administration et de dépenses de gestion énoncées dans les trois documents mentionnés au paragraphe 51 (3).

(5) Le paragraphe (4) n'a pas pour effet d'empêcher le ministre d'apporter des corrections mineures aux catégories afin d'augmenter la précision avec laquelle sont désignées :

a) les dépenses d'administration des conseils;

b) les dépenses de gestion des conseils.

(6) Si le total des dépenses d'administration et de gestion que le conseil engage pendant l'exercice 1998-1999 est supérieur à l'élément administration et gestion calculé pour le conseil aux termes de l'article 36, le conseil soumet par écrit au ministre un plan exposant les mesures qu'il se propose de prendre pour réduire le total des sommes qu'il affecte aux dépenses d'administration et aux dépenses de gestion de sorte que, d'ici l'exercice 2000-2001, ce total ne soit pas supérieur à cet élément.

### PARTIE III SUBVENTIONS EN FAVEUR DES ADMINISTRATIONS SCOLAIRES

#### SUBVENTIONS EN FAVEUR DES CONSEILS ISOLÉS

55. (1) Pour l'application du présent article, constitue la dépense approuvée d'un conseil isolé la dépense que le ministre juge acceptable telle qu'elle figure dans les formules que le ministère fournit au conseil isolé aux fins du calcul de sa subvention générale de 1998-1999.

(2) Lorsqu'il fait des calculs pour l'application du paragraphe (1), le ministre applique, avec les adaptations qu'il estime indiquées pour tenir compte des caractéristiques propres aux administrations scolaires, la formule de financement sur laquelle se fondent les dispositions du présent règlement qui se rapportent aux subventions en faveur des conseils scolaires de district.

(3) Pour l'application du présent article, les recettes fiscales de 1998-1999 du conseil isolé sont calculées de la manière suivante :

#### 1. Additionner ce qui suit :

- i. 38 pour cent du total des sommes remises au conseil isolé à l'égard de l'année civile 1998 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,



- ii. 62 per cent of the total of the amounts distributed to the isolate board in respect of the 1999 calendar year under subsections 237 (12) and 238 (2), section 239, subsection 240 (5), sections 250 and 251 and subsections 257.8 (2) and 257.9 (1) of the Act and, if An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, under section 447.20 of the *Municipal Act*,
  - iii. 38 per cent of the amounts, if any, received by the isolate board in respect of the 1998 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,
  - iv. 62 per cent of the amounts, if any, received by the isolate board in respect of the 1999 calendar year from a municipality under subsection 445 (4) of the *Municipal Act*,
  - v. the total of the taxes received by the isolate board in respect of the 1998 calendar year under section 35 of the *Assessment Act*,
  - vi. 38 per cent of the payments in lieu of taxes distributed to the isolate board in respect of the 1998 calendar year under subsection 371.1 (1) of the *Municipal Act*,
  - vii. 62 per cent of the payments in lieu of taxes distributed to the isolate board in respect of the 1999 calendar year under subsection 371.1 (1) of the *Municipal Act*,
  - viii. 38 per cent of the amounts, if any, received by the isolate board in respect of the 1998 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property, and
  - ix. 62 per cent of the amounts, if any, received by the isolate board in respect of the 1999 calendar year under the *Municipal Grants Act* (Canada) or under any Act of Canada that permits a payment to be made by a government or a government agency in lieu of taxes on real property.
2. Deduct the cost incurred in the 1998-99 fiscal year by the isolate board under section 257.7 of the Act in collecting taxes for school purposes in territory without municipal organization, to a maximum of 2 per cent of the sum of,
- i. 38 per cent of the total amount of taxes levied by it in 1998 for school purposes in territory without municipal organization, and
  - ii. 62 per cent of the total amount of taxes levied by it in 1999 for school purposes in territory without municipal organization.
3. Deduct the amounts charged to the isolate board in respect of the 1998 calendar year by a municipal council under section 421 of the *Municipal Act*, including amounts charged under that section as a result of private legislation.
4. If An Act to give Tax Relief to Small Businesses, Charities and Others and to make other amendments respecting the Financing of Local Government and Schools (Bill 16), which received first reading on May 7, 1998 is enacted, deduct the total of the amounts paid as rebates by the isolate board under section 257.2.1 of the Act in the 1998-99 fiscal year.
- ii. 62 pour cent du total des sommes remises au conseil isolé à l'égard de l'année civile 1999 aux termes des paragraphes 237 (12) et 238 (2), de l'article 239, du paragraphe 240 (5), des articles 250 et 251 et des paragraphes 257.8 (2) et 257.9 (1) de la Loi et, en cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, aux termes de l'article 447.20 de la *Loi sur les municipalités*,
  - iii. 38 pour cent des sommes éventuelles que reçoit le conseil isolé à l'égard de l'année civile 1998 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,
  - iv. 62 pour cent des sommes éventuelles que reçoit le conseil isolé à l'égard de l'année civile 1999 d'une municipalité aux termes du paragraphe 445 (4) de la *Loi sur les municipalités*,
  - v. le total des impôts que reçoit le conseil isolé à l'égard de l'année civile 1998 aux termes de l'article 35 de la *Loi sur l'évaluation foncière*,
  - vi. 38 pour cent des paiements tenant lieu d'impôts remis au conseil isolé à l'égard de l'année civile 1998 aux termes du paragraphe 371.1 (1) de la *Loi sur les municipalités*,
  - vii. 62 pour cent des paiements tenant lieu d'impôts remis au conseil isolé à l'égard de l'année civile 1999 aux termes du paragraphe 371.1 (1) de la *Loi sur les municipalités*,
  - viii. 38 pour cent des sommes éventuelles que reçoit le conseil isolé à l'égard de l'année civile 1998 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles,
  - ix. 62 pour cent des sommes éventuelles que reçoit le conseil isolé à l'égard de l'année civile 1999 en vertu de la *Loi sur les subventions aux municipalités* (Canada) ou en vertu de toute loi du Canada qui autorise un gouvernement ou un organisme gouvernemental à effectuer un paiement tenant lieu d'impôts sur des biens immeubles.
2. Déduire le coût de la perception des impôts scolaires dans un territoire non érigé en municipalité, qu'a engagé le conseil isolé pendant l'exercice 1998-1999 aux termes de l'article 257.7 de la Loi, jusqu'à concurrence de 2 pour cent de la somme de ce qui suit :
- i. 38 pour cent du total des impôts scolaires qu'il a prélevés en 1998 dans un tel territoire,
  - ii. 62 pour cent du total des impôts scolaires qu'il a prélevés en 1999 dans un tel territoire.
3. Déduire les sommes qu'un conseil municipal a exigées du conseil isolé à l'égard de l'année civile 1998 aux termes de l'article 421 de la *Loi sur les municipalités*, y compris les sommes exigées aux termes de cet article par suite d'une loi d'intérêt privé.
4. En cas d'adoption du projet de loi 16, *Loi visant à alléger les impôts des petites entreprises, des organismes de bienfaisance et d'autres et à apporter d'autres modifications en ce qui a trait au financement des administrations locales et des écoles*, qui a reçu la première lecture le 7 mai 1998, déduire le total des remises que le conseil isolé accorde aux termes de l'article 257.2.1 de la Loi pendant l'exercice 1998-1999.

(4) Amounts paid by the Minister to the board in respect of the 1998 calendar year under section 257.11 of the Act shall be deemed to be amounts distributed to the board in respect of the 1998 calendar year under a provision of the Act referred to in subparagraph i of paragraph 1 of subsection (3).

(5) Paragraph 2 of subsection (3) shall not be interpreted to preclude including in the isolate board's approved expenditure an amount on account of the costs incurred by the isolate board in collecting taxes for school purposes in territory without municipal organization, where those costs exceed the amount deducted under paragraph 2 of subsection (3).

(6) Where the approved expenditure of an isolate board exceeds its 1998-99 tax revenue, the isolate board shall be paid a grant equal to the excess.

#### GRANTS TO SECTION 68 BOARDS

56. A section 68 board shall be paid a grant in an amount determined as follows:

1. Take the expenditure of the board for the 1998-99 fiscal year that is acceptable to the Minister for grant purposes, excluding,
  - i. expenditures for debt charges,
  - ii. expenditures for the purchase of capital assets,
  - iii. expenditures for the restoration of destroyed or damaged capital assets, and
  - iv. provisions for reserves for working funds and provisions for reserve funds.
2. Deduct any transfers from reserves for working funds or from reserve funds made during the 1998-99 fiscal year.
3. Deduct the revenue of the board for the 1998-99 fiscal year, not including revenue from,
  - i. legislative grants,
  - ii. an organization on whose property a school of the board is located, and
  - iii. refunds of expenditure of the kind described in subparagraph i, ii or iii of paragraph 1.

#### PART IV

#### PAYMENTS TO GOVERNING AUTHORITIES

57. In this Part,

"Crown establishment" means an establishment maintained by a Department of the Government of Canada, a federal Crown company, The Royal Canadian Mounted Police or Atomic Energy of Canada Limited, on lands held by the Crown in right of Canada that are not assessable for school purposes, and includes a reserve as defined in the *Indian Act* (Canada).

58. (1) This section applies where a pupil who is not resident in a Crown establishment,

- (a) resides in a territorial district on land that is not part of a school section or separate school zone and attends an elementary school supported by local taxation in Manitoba or Quebec; or
- (b) resides in a territorial district on land that is not part of a secondary school district and attends a secondary school supported by local taxation in Manitoba or Quebec.

(4) Les sommes que le ministre verse au conseil à l'égard de l'année civile 1998 aux termes de l'article 257.11 de la Loi sont réputées des sommes remises au conseil à l'égard de l'année civile 1998 aux termes d'une disposition de la Loi visée à la sous-disposition i de la disposition 1 du paragraphe (3).

(5) La disposition 2 du paragraphe (3) ne doit pas être interprétée de façon à empêcher l'inclusion, dans les dépenses approuvées du conseil isolé, des frais de perception des impôts scolaires dans un territoire non érigé en municipalité qu'il a engagés si ces frais sont supérieurs à la somme déduite aux termes de cette disposition.

(6) Le conseil isolé dont les dépenses approuvées sont supérieures à ses recettes fiscales de 1998-1999 reçoit une subvention égale à cet excédent.

#### SUBVENTIONS EN FAVEUR DES CONSEILS CRÉÉS EN VERTU DE L'ARTICLE 68

56. Le conseil créé en vertu de l'article 68 reçoit une subvention calculée de la manière suivante :

1. Prendre les dépenses du conseil pour l'exercice 1998-1999 que le ministre juge acceptables aux fins des subventions, à l'exclusion de ce qui suit :
  - i. les dépenses liées au service de la dette,
  - ii. les dépenses liées à l'acquisition d'immobilisations,
  - iii. les dépenses liées à la restauration d'immobilisations détruites ou endommagées,
  - iv. les provisions pour réserves pour fonds de roulement et celles pour fonds de réserve.
2. Déduire les sommes virées des réserves pour fonds de roulement ou des fonds de réserve pendant l'exercice 1998-1999.
3. Déduire les recettes de l'exercice 1998-1999 du conseil, à l'exclusion des recettes provenant de ce qui suit :
  - i. les subventions générales,
  - ii. un organisme sur le bien duquel se trouve une école du conseil,
  - iii. les remboursements de dépenses du genre visé à la sous-disposition i, ii ou iii de la disposition 1.

#### PARTIE IV

#### PAIEMENTS VERSÉS À DES ADMINISTRATIONS RESPONSABLES

57. La définition qui suit s'applique à la présente partie.

«établissement de la Couronne» Établissement que fait fonctionner un ministère du gouvernement du Canada, une société d'État fédérale, la Gendarmerie royale du Canada ou Énergie atomique du Canada limitée sur des biens-fonds que détient la Couronne du chef du Canada et qui ne peuvent faire l'objet d'une évaluation aux fins scolaires. S'entend en outre des réserves au sens de la *Loi sur les Indiens* (Canada).

58. (1) Le présent article s'applique si l'élève qui n'est pas résident d'un établissement de la Couronne :

- a) soit réside dans un district territorial sur un bien-fonds qui ne fait pas partie d'une circonscription scolaire ni d'une zone d'écoles séparées et fréquente une école élémentaire du Manitoba ou du Québec soutenue par des impôts locaux;
- b) soit réside dans un district territorial sur un bien-fonds qui ne fait pas partie d'un district d'écoles secondaires et fréquente une école secondaire du Manitoba ou du Québec soutenue par des impôts locaux.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

59. (1) This section applies where,

(a) a pupil who resides in a territorial district is resident in a school section, separate school zone or a Crown establishment and attends an elementary school supported by local taxation in Manitoba or Quebec; and

(b) the Minister is of the opinion that,

(i) daily transportation to the elementary school in Ontario that the pupil would otherwise attend is impracticable due to distance and terrain, and

(ii) the provision of board, lodging and weekly transportation is impracticable because of the age or disability of the pupil.

(2) The Minister shall pay the governing authority of the elementary school attended by the pupil the amount agreed on between the governing authority and the Minister.

60. (1) This section applies where a pupil who resides in a territorial district,

(a) is not resident in a school section, a separate school zone or a Crown establishment; and

(b) attends a school on a reserve that is operated by,

(i) the Crown in right of Canada, or

(ii) a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The Minister shall pay the governing authority of the school attended by the pupil the amount agreed on between the governing authority and the Minister.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.

59. (1) Le présent article s'applique si les conditions suivantes sont réunies :

a) l'élève qui réside dans un district territorial est résident d'une circonscription scolaire, d'une zone d'écoles séparées ou d'un établissement de la Couronne et fréquente une école élémentaire du Manitoba ou du Québec soutenue par des impôts locaux;

b) le ministre est d'avis que :

(i) d'une part, le transport quotidien de l'élève entre sa résidence et l'école élémentaire située en Ontario qu'il fréquenterait par ailleurs est impossible en raison de la distance ou de la topographie,

(ii) d'autre part, la fourniture de nourriture, de logement et de transport hebdomadaire à l'élève est impossible en raison de son âge ou de son invalidité.

(2) Le ministre verse à l'administration responsable de l'école élémentaire que fréquente l'élève la somme convenue d'un commun accord.

60. (1) Le présent article s'applique si l'élève qui réside dans un district territorial réunit les conditions suivantes :

a) il n'est pas résident d'une circonscription scolaire, ni d'une zone d'écoles séparées, ni d'un établissement de la Couronne;

b) il fréquente une école d'une réserve qui relève :

(i) soit de la Couronne du chef du Canada,

(ii) soit d'une bande, du conseil d'une bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Le ministre verse à l'administration responsable de l'école que fréquente l'élève la somme convenue d'un commun accord.



Table/Tableau 1  
Program ISA/  
AAS (programmes)

	COLUMN/COLONNE 1	COLUMN/COLONNE 2
Item/Point	Name of Board/Nom du conseil	Program ISA Amount per pupil/ AAS (programmes) par élève \$
1.	District School Board Ontario North East	198
2.	Algoma District School Board	225
3.	Rainbow District School Board	156
4.	Near North District School Board	236
5.	Keewatin-Patricia District School Board	256
6.	Rainy River District School Board	148
7.	Lakehead District School Board	157
8.	Superior-Greenstone District School Board	221
9.	Bluewater District School Board	212
10.	Avon Maitland District School Board	175
11.	Greater Essex County District School Board	203
12.	Lambton Kent District School Board	213
13.	Thames Valley District School Board	173
14.	Toronto District School Board	261
15.	Durham District School Board	197
16.	Kawartha Pine Ridge District School Board	175
17.	Trillium Lakelands District School Board	198
18.	York Region District School Board	223
19.	Simcoe County District School Board	198
20.	Upper Grand District School Board	180
21.	Peel District School Board	220
22.	Halton District School Board	229
23.	Hamilton-Wentworth District School Board	203
24.	District School Board of Niagara	189
25.	Grand Erie District School Board	182
26.	Waterloo Region District School Board	176
27.	Ottawa-Carleton District School Board	290
28.	Upper Canada District School Board	212
29.	Limestone District School Board	189
30.	Renfrew County District School Board	155
31.	Hastings and Prince Edward District School Board	209
32.	Northeastern Catholic District School Board	185
33.	Nipissing-Parry Sound Catholic District School Board	214
34.	Huron-Superior Catholic District School Board	148
35.	Sudbury Catholic District School Board	180
36.	Northwest Catholic District School Board	147
37.	Kenora Catholic District School Board	212
38.	Thunder Bay Catholic District School Board	171
39.	Superior North Catholic District School Board	283

40.	Bruce-Grey Catholic District School Board	140
41.	Huron-Perth Catholic District School Board	148
42.	Windsor-Essex Catholic District School Board	130
43.	District School Board 38	143
44.	St. Clair Catholic District School Board	151
45.	Toronto Catholic District School Board	174
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	164
47.	York Catholic District School Board	230
48.	Dufferin-Peel Catholic District School Board	136
49.	Simcoe Muskoka Catholic District School Board	162
50.	Durham Catholic District School Board	149
51.	Halton Catholic District School Board	154
52.	Hamilton-Wentworth Catholic District School Board	176
53.	Wellington Catholic District School Board	155
54.	Waterloo Catholic District School Board	159
55.	Niagara Catholic District School Board	134
56.	Brant Haldimand Norfolk Catholic District School Board	137
57.	Catholic District School Board of Eastern Ontario	169
58.	Ottawa-Carleton Catholic District School Board	242
59.	Renfrew County Catholic District School Board	187
60.	Algonquin and Lakeshore Catholic District School Board	143
61.	Conseil scolaire de district du Nord-Est de l'Ontario	186
62.	Conseil scolaire de district du Grand Nord de l'Ontario	149
63.	Conseil scolaire de district du Centre Sud-Ouest	162
64.	Conseil scolaire de district 59	136
65.	Conseil scolaire de district catholique des Grandes Rivières	162
66.	Conseil scolaire de district catholique Franco-Nord	160
67.	Conseil scolaire de district catholique du Nouvel-Ontario	189
68.	Conseil scolaire de district catholique des Aurores boréales	196
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	144
70.	Conseil scolaire de district catholique Centre-Sud	158
71.	Conseil scolaire de district catholique de l'Est ontarien	210
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	205

	Table/Tableau 2 ESD Percentages/ Pourcentages des programmes d'ESD	
	COLUMN/COLONNE 1	COLUMN/COLONNE 2
Item/Point	Board Name/Nom du conseil	% of population having no knowledge of English or French/% de la population qui ne connaît ni l'anglais ni le français
1.	District School Board Ontario North East	0.00%
2.	Algoma District School Board	0.00%
3.	Rainbow District School Board	0.00%
4.	Near North District School Board	0.00%
5.	Keewatin-Patricia District School Board	0.19%
6.	Rainy River District School Board	0.00%
7.	Lakehead District School Board	0.00%
8.	Superior-Greenstone District School Board	0.00%
9.	Bluewater District School Board	0.12%
10.	Avon Maitland District School Board	0.13%
11.	Greater Essex County District School Board	0.53%
12.	Lambton Kent District School Board	0.17%
13.	Thames Valley District School Board	0.35%
14.	Toronto District School Board	0.64%
15.	Durham District School Board	0.04%
16.	Kawartha Pine Ridge District School Board	0.07%
17.	Trillium Lakelands District School Board	0.00%
18.	York Region District School Board	0.11%
19.	Simcoe County District School Board	0.00%
20.	Upper Grand District School Board	0.06%
21.	Peel District School Board	0.23%
22.	Halton District School Board	0.00%
23.	Hamilton-Wentworth District School Board	0.17%
24.	District School Board of Niagara	0.00%
25.	Grand Erie District School Board	0.49%
26.	Waterloo Region District School Board	0.31%
27.	Ottawa-Carleton District School Board	0.29%
28.	Upper Canada District School Board	0.03%
29.	Limestone District School Board	0.00%
30.	Renfrew County District School Board	0.00%
31.	Hastings and Prince Edward District School Board	0.05%
32.	Northeastern Catholic District School Board	0.00%
33.	Nipissing-Parry Sound Catholic District School Board	0.00%
34.	Huron-Superior Catholic District School Board	0.00%
35.	Sudbury Catholic District School Board	0.00%
36.	Northwest Catholic District School Board	0.00%
37.	Kenora Catholic District School Board	0.00%

38.	Thunder Bay Catholic District School Board	0.00%
39.	Superior North Catholic District School Board	0.00%
40.	Bruce-Grey Catholic District School Board	0.00%
41.	Huron-Perth Catholic District School Board	0.00%
42.	Windsor-Essex Catholic District School Board	0.13%
43.	District School Board 38	0.03%
44.	St. Clair Catholic District School Board	0.05%
45.	Toronto Catholic District School Board	0.55%
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	0.00%
47.	York Catholic District School Board	0.05%
48.	Dufferin-Peel Catholic District School Board	0.07%
49.	Simcoe Muskoka Catholic District School Board	0.06%
50.	Durham Catholic District School Board	0.12%
51.	Halton Catholic District School Board	0.09%
52.	Hamilton-Wentworth Catholic District School Board	0.18%
53.	Wellington Catholic District School Board	0.16%
54.	Waterloo Catholic District School Board	0.04%
55.	Niagara Catholic District School Board	0.08%
56.	Brant Haldimand Norfolk Catholic District School Board	0.00%
57.	Catholic District School Board of Eastern Ontario	0.00%
58.	Ottawa-Carleton Catholic District School Board	0.08%
59.	Renfrew County Catholic District School Board	0.00%
60.	Algonquin and Lakeshore Catholic District School Board	0.18%
61.	Conseil scolaire de district du Nord-Est de l'Ontario	0.00%
62.	Conseil scolaire de district du Grand Nord de l'Ontario	0.00%
63.	Conseil scolaire de district du Centre Sud-Ouest	0.00%
64.	Conseil scolaire de district 59	0.00%
65.	Conseil scolaire de district catholique des Grandes Rivières	0.00%
66.	Conseil scolaire de district catholique Franco-Nord	0.00%
67.	Conseil scolaire de district catholique du Nouvel-Ontario	0.00%
68.	Conseil scolaire de district catholique des Aurores boréales	0.00%
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	0.00%
70.	Conseil scolaire de district catholique Centre-Sud	0.00%
71.	Conseil scolaire de district catholique de l'Est ontarien	0.00%
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	0.00%

**Table/Tableau 3**  
**Assimilation Factors for ALF Funding/**  
**Facteurs d'assimilation pour le financement des programmes d'ALF**

	COLUMN/COLONNE 1	COLUMN/COLONNE 2	COLUMN/COLONNE 3
Item/Point	French Language Board/ Conseil de langue française	English Language Coterminous Board/ Conseil de langue anglaise coïncident	Assimilation Factor/ Facteur d'assimilation
1.	Conseil scolaire de district du Nord-Est de l'Ontario	District School Board Ontario North East	1.0
2.	Conseil scolaire de district du Nord-Est de l'Ontario	Near North District School Board	1.0
3.	Conseil scolaire de district du Nord-Est de l'Ontario	Trillium Lakelands District School Board	1.5
4.	Conseil scolaire de district du Grand Nord de l'Ontario	Algoma District School Board	1.5
5.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainbow District School Board	1.0
6.	Conseil scolaire de district du Grand Nord de l'Ontario	Keewatin-Patricia District School Board	1.5
7.	Conseil scolaire de district du Grand Nord de l'Ontario	Rainy River District School Board	1.5
8.	Conseil scolaire de district du Grand Nord de l'Ontario	Lakehead District School Board	1.5
9.	Conseil scolaire de district du Grand Nord de l'Ontario	Superior-Greenstone District School Board	1.5
10.	Conseil scolaire de district du Centre Sud-Ouest	Bluewater District School Board	1.5
11.	Conseil scolaire de district du Centre Sud-Ouest	Avon Maitland District School Board	1.5
12.	Conseil scolaire de district du Centre Sud-Ouest	Greater Essex County District School Board	1.5
13.	Conseil scolaire de district du Centre Sud-Ouest	Lambton Kent District School Board	1.5
14.	Conseil scolaire de district du Centre Sud-Ouest	Thames Valley District School Board	1.5
15.	Conseil scolaire de district du Centre Sud-Ouest	Toronto District School Board	1.5
16.	Conseil scolaire de district du Centre Sud-Ouest	Durham District School Board	1.5
17.	Conseil scolaire de district du Centre Sud-Ouest	Kawartha Pine Ridge District School Board	1.5
18.	Conseil scolaire de district du Centre Sud-Ouest	Trillium Lakelands District School Board	1.5
19.	Conseil scolaire de district du Centre Sud-Ouest	York Region District School Board	1.5
20.	Conseil scolaire de district du Centre Sud-Ouest	Simcoe County District School Board	1.5
21.	Conseil scolaire de district du Centre Sud-Ouest	Upper Grand District School Board	1.5
22.	Conseil scolaire de district du Centre Sud-Ouest	Peel District School Board	1.5
23.	Conseil scolaire de district du Centre Sud-Ouest	Halton District School Board	1.5
24.	Conseil scolaire de district du Centre Sud-Ouest	Hamilton-Wentworth District School Board	1.5
25.	Conseil scolaire de district du Centre Sud-Ouest	District School Board of Niagara	1.5
26.	Conseil scolaire de district du Centre Sud-Ouest	Grand Erie District School Board	1.5
27.	Conseil scolaire de district du Centre Sud-Ouest	Waterloo Region District School Board	1.5
28.	Conseil scolaire de district 59	Ottawa-Carleton District School Board	1.0
29.	Conseil scolaire de district 59	Upper Canada District School Board	1.0
30.	Conseil scolaire de district 59	Limestone District School Board	1.5
31.	Conseil scolaire de district 59	Renfrew County District School Board	1.5
32.	Conseil scolaire de district 59	Hastings and Prince Edward District School Board	1.5
33.	Conseil scolaire de district catholique des Grandes Rivières	Northeastern Catholic District School Board	1.0
34.	Conseil scolaire de district catholique Franco-Nord	Nippissing-Parry Sound Catholic District School Board	1.0
35.	Conseil scolaire de district catholique Centre-Sud	Simcoe Muskoka Catholic District School Board	1.5
36.	Conseil scolaire de district catholique du Nouvel-Ontario	Sudbury Catholic District School Board	1.0

37.	Conseil scolaire de district catholique du Nouvel-Ontario	Huron-Superior Catholic District School Board	1.5
38.	Conseil scolaire de district catholique des Aurores boréales	Northwest Catholic District School Board	1.5
39.	Conseil scolaire de district catholique des Aurores boréales	Kenora Catholic District School Board	1.5
40.	Conseil scolaire de district catholique des Aurores boréales	Thunder Bay Catholic District School Board	1.5
41.	Conseil scolaire de district catholique des Aurores boréales	Superior North Catholic District School Board	1.5
42.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Bruce-Grey Catholic District School Board	1.5
43.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Huron-Perth Catholic District School Board	1.5
44.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	Windsor-Essex Catholic District School Board	1.5
45.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	St. Clair Catholic District School Board	1.5
46.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	District School Board 38	1.5
47.	Conseil scolaire de district catholique Centre-Sud	Toronto Catholic District School Board	1.5
48.	Conseil scolaire de district catholique Centre-Sud	Durham Catholic District School Board	1.5
49.	Conseil scolaire de district catholique Centre-Sud	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.5
50.	Conseil scolaire de district catholique Centre-Sud	York Catholic District School Board	1.5
51.	Conseil scolaire de district catholique Centre-Sud	Wellington Catholic District School Board	1.5
52.	Conseil scolaire de district catholique Centre-Sud	Dufferin-Peel Catholic District School Board	1.5
53.	Conseil scolaire de district catholique Centre-Sud	Halton Catholic District School Board	1.5
54.	Conseil scolaire de district catholique Centre-Sud	Hamilton-Wentworth Catholic District School Board	1.5
55.	Conseil scolaire de district catholique Centre-Sud	Niagara Catholic District School Board	1.5
56.	Conseil scolaire de district catholique Centre-Sud	Brant Haldimand Norfolk Catholic District School Board	1.5
57.	Conseil scolaire de district catholique Centre-Sud	Waterloo Catholic District School Board	1.5
58.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Ottawa-Carleton Catholic District School Board	1.5
59.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Catholic District School Board of Eastern Ontario	1.0
60.	Conseil scolaire de district catholique de l'Est ontarien	Catholic District School Board of Eastern Ontario	1.0
61.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Algonquin and Lakeshore Catholic District School Board	1.5
62.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	Renfrew County Catholic District School Board	1.5

**Table/Tableau 4**  
**Distance and Urban Factors for Remote and Rural Allocations/**  
**Facteur urbain et facteur d'éloignement pour l'éléments conseils ruraux et éloignés**

	COLUMN/COLONNE 1	COLUMN/ COLONNE 2	COLUMN/ COLONNE 3
Item/ Point	Board Name/Nom du conseil	Distance/ Distance	Urban Factor/ Facteur urbain
1.	District School Board Ontario North East	680 km	0.946
2.	Algoma District Board	790 km	0.809
3.	Rainbow District School Board	455 km	0.821
4.	Near North District School Board	332 km	0.913
5.	Keewatin-Patricia District School Board	1801 km	1.000
6.	Rainy River District School Board	1630 km	1.000
7.	Lakehead District School Board	1375 km	0.549
8.	Superior-Greenstone District School Board	1440 km	1.000
9.	Blue Water District School Board	177 km	1.000
10.	Avon Maitland District School Board	191 km	1.000
11.	Greater Essex County District School Board	< 151 km	1.000
12.	Lambton Kent District School Board	< 151 km	1.000
13.	Thames Valley District School Board	< 151 km	1.000
14.	Toronto District School Board	< 151 km	1.000
15.	Durham District School Board	< 151 km	1.000
16.	Kawartha Pine Ridge District School Board	161 km	0.942
17.	Trillium Lakelands District School Board	253 km	1.000
18.	York Region District School Board	< 151 km	1.000
19.	Simcoe County District School Board	< 151 km	1.000
20.	Upper Grand District School Board	< 151 km	1.000
21.	Peel District School Board	< 151 km	1.000
22.	Halton District School Board	< 151 km	1.000
23.	Hamilton-Wentworth District School Board	< 151 km	1.000
24.	District School Board of Niagara	< 151 km	1.000
25.	Grand Erie District School Board	< 151 km	1.000
26.	Waterloo Region District School Board	< 151 km	1.000
27.	Ottawa-Carleton District School Board	< 151 km	1.000
28.	Upper Canada District School Board	< 151 km	1.000
29.	Limestone District School Board	235 km	0.717
30.	Renfrew County District School Board	< 151 km	1.000
31.	Hastings and Prince Edward District School Board	251 km	0.971
32.	Northeastern Catholic District School Board	680 km	0.946
33.	Nipissing-Parry Sound Catholic District School Board	332 km	0.913
34.	Huron-Superior Catholic District School Board	790 km	0.777
35.	Sudbury Catholic District School Board	390 km	0.780
36.	Northwest Catholic District School Board	1715 km	1.000
37.	Kenora Catholic District School Board	1855 km	1.000
38.	Thunder Bay Catholic District School Board	1375 km	0.501
39.	Superior North Catholic District School Board	1440 km	1.000

40.	Bruce-Grey Catholic District School Board	177 km	1.000
41.	Huron-Perth Catholic District School Board	191 km	1.000
42.	Windsor-Essex Catholic District School Board	< 151 km	1.000
43.	District School Board 38	< 151 km	1.000
44.	St. Clair Catholic District School Board	< 151 km	1.000
45.	Toronto Catholic District School Board	< 151 km	1.000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	161 km	0.942
47.	York Catholic District School Board	< 151 km	1.000
48.	Dufferin-Peel Catholic District School Board	< 151 km	1.000
49.	Simcoe Muskoka Catholic District School Board	< 151 km	1.000
50.	Durham Catholic District School Board	< 151 km	1.000
51.	Halton Catholic District School Board	< 151 km	1.000
52.	Hamilton-Wentworth Catholic District School Board	< 151 km	1.000
53.	Wellington Catholic District School Board	< 151 km	1.000
54.	Waterloo Catholic District School Board	< 151 km	1.000
55.	Niagara Catholic District School Board	< 151 km	1.000
56.	Brant Haldimand Norfolk Catholic District School Board	< 151 km	1.000
57.	Catholic District School Board of Eastern Ontario	< 151 km	1.000
58.	Ottawa-Carleton Catholic District School Board	< 151 km	1.000
59.	Renfrew County Catholic District School Board	< 151 km	1.000
60.	Algonquin and Lakeshore Catholic District School Board	277 km	0.986
61.	Conseil scolaire de district du Nord-Est de l'Ontario	634 km	0.939
62.	Conseil scolaire du district Grand Nord de l'Ontario	1191 km	0.8620
63.	Conseil scolaire du district du Centre Sud-Ouest	< 151 km	1.000
64.	Conseil scolaire de district 59	< 151 km	1.000
65.	Conseil scolaire de district catholique des Grandes Rivières	680 km	0.952
66.	Conseil scolaire de district catholique Franco-Nord	332 km	0.933
67.	Conseil scolaire de district catholique du Nouvel-Ontario	790 km	0.879
68.	Conseil scolaire de district catholique des Aurores boréales	1745 km	0.727
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	< 151 km	1.000
70.	Conseil scolaire de district catholique Centre-Sud	< 151 km	1.000
71.	Conseil scolaire de district catholique de l'Est ontario	< 151 km	1.000
72.	Le conseil scolaire du district catholique Centre-Est de l'Ontario	< 151 km	1.000



Table/Tableau 5  
Learning Opportunities/  
Programmes d'aide à l'apprentissage

	COLUMN/COLONNE 1	COLUMN/COLONNE 2
Item/ Point	Name of Board/Nom du conseil	Allocation for Learning Opportunities/ Élément programmes d'aide à l'apprentissage \$
1.	District School Board Ontario North East	1,474,673
2.	Algoma District School Board	2,240,042
3.	Rainbow District School Board	1,786,217
4.	Near North District School Board	1,838,599
5.	Keewatin-Patricia District School Board	855,519
6.	Rainy River District School Board	472,125
7.	Lakehead District School Board	1,904,168
8.	Superior-Greenstone District School Board	530,177
9.	Bluewater District School Board	743,017
10.	Avon Maitland District School Board	906,166
11.	Greater Essex County District School Board	3,688,449
12.	Lambton Kent District School Board	1,190,574
13.	Thames Valley District School Board	6,118,828
14.	Toronto District School Board	53,334,398
15.	Durham District School Board	1,959,159
16.	Kawartha Pine Ridge District School Board	1,421,917
17.	Trillium Lakelands District School Board	339,581
18.	York Region District School Board	2,932,609
19.	Simcoe County District School Board	1,091,421
20.	Upper Grand District School Board	918,448
21.	Peel District School Board	5,949,939
22.	Halton District School Board	562,368
23.	Hamilton-Wentworth District School Board	6,740,451
24.	District School Board of Niagara	3,161,013
25.	Grand Erie District School Board	2,327,887
26.	Waterloo Region District School Board	3,638,569
27.	Ottawa-Carleton District School Board	6,623,778
28.	Upper Canada District School Board	1,112,594
29.	Limestone District School Board	1,599,350
30.	Renfrew County District School Board	632,032
31.	Hastings and Prince Edward District School Board	1,409,881
32.	Northeastern Catholic District School Board	509,798
33.	Nipissing-Parry Sound Catholic District School Board	454,337
34.	Huron-Superior Catholic District School Board	1,164,422
35.	Sudbury Catholic District School Board	945,337
36.	Northwest Catholic District School Board	122,343
37.	Kenora Catholic District School Board	102,056

38.	Thunder Bay Catholic District School Board	957,557
39.	Superior North Catholic District School Board	168,584
40.	Bruce-Grey Catholic District School Board	152,434
41.	Huron-Perth Catholic District School Board	130,780
42.	Windsor-Essex Catholic District School Board	2,679,022
43.	District School Board 38	3,211,654
44.	St. Clair Catholic District School Board	546,514
45.	Toronto Catholic District School Board	23,611,599
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	533,053
47.	York Catholic District School Board	1,854,829
48.	Dufferin-Peel Catholic District School Board	4,738,086
49.	Simcoe Muskoka Catholic District School Board	366,487
50.	Durham Catholic District School Board	721,480
51.	Halton Catholic District School Board	270,379
52.	Hamilton-Wentworth Catholic District School Board	3,291,086
53.	Wellington Catholic District School Board	267,678
54.	Waterloo Catholic District School Board	1,701,138
55.	Niagara Catholic District School Board	1,507,994
56.	Brant Haldimand Norfolk Catholic District School Board	770,868
57.	Catholic District School Board of Eastern Ontario	691,106
58.	Ottawa-Carleton Catholic District School Board	3,230,651
59.	Renfrew County Catholic District School Board	445,592
60.	Algonquin and Lakeshore Catholic District School Board	1,026,142
61.	Conseil scolaire de district du Nord-Est de l'Ontario	194,663
62.	Conseil scolaire de district du Grand Nord de l'Ontario	206,980
63.	Conseil scolaire de district du Centre Sud-Ouest	649,021
64.	Conseil scolaire de district 59	690,903
65.	Conseil scolaire de district catholique des Grandes Rivières	1,406,429
66.	Conseil scolaire de district catholique Franco-Nord	650,200
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1,362,379
68.	Conseil scolaire de district catholique des Aurores boréales	205,954
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	376,990
70.	Conseil scolaire de district catholique Centre-Sud	926,681
71.	Conseil scolaire de district catholique de l'Est ontarien	1,194,650
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1,313,558

Table/Tableau 6 Teacher Compensation/ Rémunération des enseignants							
Full years of teaching experience/ Années complètes d'expérience en enseignement	Qualification Categories/Catégories de qualification						
	D	C	B	A1/group1 A1/groupe 1	A2/group2 A2/groupe 2	A3/group3 A3/groupe 3	A4/group4 A4/groupe 4
0	0.5788	0.5788	0.5788	0.6229	0.6487	0.7081	0.7449
1	0.6127	0.6127	0.6127	0.654	0.6864	0.7502	0.7926
2	0.6332	0.6332	0.6332	0.6989	0.7318	0.7969	0.8432
3	0.6523	0.6523	0.6523	0.7416	0.7743	0.8442	0.8925
4	0.7149	0.7149	0.7149	0.7814	0.8158	0.8953	0.9443
5	0.7698	0.7698	0.7698	0.8234	0.8606	0.9435	0.9975
6	0.8225	0.8225	0.8225	0.8655	0.9042	0.9866	1.0473
7	0.8694	0.8694	0.8694	0.9073	0.9472	1.0363	1.0997
8	0.8900	0.8900	0.8900	0.9485	0.9876	1.086	1.1512
9	0.9154	0.9154	0.9154	1.0025	1.0411	1.1534	1.2026
10	0.9667	0.9667	0.9667	1.0451	1.0989	1.2136	1.2949

Table/Tableau 7 Geographic Adjustment Factors for New Pupil Places/ Facteurs de redressement géographique pour les nouvelles places		
	COLUMN/COLONNE 1	COLUMN/COLONNE 2
Item/ Point	DISTRICT SCHOOL BOARDS/ CONSEILS SCOLAIRES DE DISTRICT	Geographic Adjustment Factor/ Facteur de redressement géo- graphique
1.	District School Board Ontario North East	1.120
2.	Algoma District School Board	1.106
3.	Rainbow District School Board	1.063
4.	Near North District School Board	1.042
5.	Keewatin-Patricia District School Board	1.144
6.	Rainy River District School Board	1.142
7.	Lakehead District School Board	1.080
8.	Superior-Greenstone District School Board	1.141
9.	Bluewater District School Board	1.007
10.	Avon Maitland District School Board	1.010
11.	Greater Essex County District School Board	1.000
12.	Lambton Kent District School Board	1.000
13.	Thames Valley District School Board	1.000
14.	Toronto District School Board	1.000
15.	Durham District School Board	1.000
16.	Kawartha Pine Ridge District School Board	1.003
17.	Trillium Lakelands District School Board	1.026
18.	York Region District School Board	1.000
19.	Simcoe County District School Board	1.000
20.	Upper Grand District School Board	1.000
21.	Peel District School Board	1.000
22.	Halton District School Board	1.000
23.	Hamilton-Wentworth District School Board	1.000
24.	District School Board of Niagara	1.000
25.	Grand Erie District School Board	1.000
26.	Waterloo Region District School Board	1.000
27.	Ottawa-Carleton District School Board	1.000
28.	Upper Canada District School Board	1.000
29.	Limestone District School Board	1.015
30.	Renfrew County District School Board	1.000
31.	Hastings and Prince Edward District School Board	1.025
32.	Northeastern Catholic District School Board	1.123
33.	Nipissing-Parry Sound Catholic District School Board	1.042
34.	Huron-Superior Catholic District School Board	1.104
35.	Sudbury Catholic District School Board	1.048
36.	Northwest Catholic District School Board	1.149
37.	Kenora Catholic District School Board	1.143
38.	Thunder Bay Catholic District School Board	1.074
39.	Superior North Catholic District School Board	1.146

40.	Bruce-Grey Catholic District School Board	1.007
41.	Huron-Perth Catholic District School Board	1.011
42.	Windsor-Essex Catholic District School Board	1.000
43.	District School Board 38	1.000
44.	St. Clair Catholic District School Board	1.000
45.	Toronto Catholic District School Board	1.000
46.	Peterborough Victoria Northumberland and Clarington Catholic District School Board	1.003
47.	York Catholic District School Board	1.000
48.	Dufferin-Peel Catholic District School Board	1.000
49.	Simcoe Muskoka Catholic District School Board	1.000
50.	Durham Catholic District School Board	1.000
51.	Halton Catholic District School Board	1.000
52.	Hamilton-Wentworth Catholic District School Board	1.000
53.	Wellington Catholic District School Board	1.000
54.	Waterloo Catholic District School Board	1.000
55.	Niagara Catholic District School Board	1.000
56.	Brant Haldimand Norfolk Catholic District School Board	1.000
57.	Catholic District School Board of Eastern Ontario	1.000
58.	Ottawa-Carleton Catholic District School Board	1.000
59.	Renfrew County Catholic District School Board	1.000
60.	Algonquin and Lakeshore Catholic District School Board	1.032
61.	Conseil scolaire de district du Nord-Est de l'Ontario	1.110
62.	Conseil scolaire de district du Grand Nord de l'Ontario	1.116
63.	Conseil scolaire de district du Centre Sud-Ouest	1.000
64.	Conseil scolaire de district 59	1.000
65.	Conseil scolaire de district catholique des Grandes Rivières	1.123
66.	Conseil scolaire de district catholique Franco-Nord	1.043
67.	Conseil scolaire de district catholique du Nouvel-Ontario	1.118
68.	Conseil scolaire de district catholique des Aurores boréales	1.100
69.	Conseil scolaire de district des écoles catholiques du Sud-Ouest	1.000
70.	Conseil scolaire de district catholique Centre-Sud	1.000
71.	Conseil scolaire de district catholique de l'Est ontarien	1.000
72.	Conseil scolaire de district catholique du Centre-Est de l'Ontario	1.000

	Table/Tableau 8 Classroom Expenditure Percentages/ Pourcentages des dépenses liées aux classes	
	COLUMN/COLONNE 1	COLUMN/COLONNE 2
Item/ Point	Amounts/Sommes	% allocated to the classroom/ % alloué aux classes
1.	Elementary School Part of Foundation Allocations/Partie de l'élément éducation de base qui vise l'élémentaire	79.5%
2.	Secondary School Part of Foundation Allocations/Partie de l'élément éducation de base qui vise le secondaire	75.9%
3.	Elementary School Teacher Compensation/ Rémunération des enseignants de l'élémentaire	91.2%
4.	Secondary School Teacher Compensation/ Rémunération des enseignants du secondaire	84.6%
5.	Small Schools Allocations/ Élément petites écoles	50.0%
6.	Remote & Rural Allocations/ Élément conseils ruraux et éloignés	74.0%
7.	Early Learning Allocations/Élément apprentissage durant les premières années d'études	70.2%
8.	Adult Day School/Élèves adultes de jour	76.0%
9.	French as a First or Second Language and Native as a Second Language/Français langue première et langue seconde, et langue autochtone langue seconde	91.1%
10.	ESL/ESD/ALF/PDF	86.0%
11.	Learning Opportunities Allocations/ Élément programmes d'aide à l'apprentissage	77.3%
12.	Special Education Allocations/Élément éducation de l'enfance en difficulté	92.0%

**ONTARIO REGULATION 288/98**  
made under the  
**EDUCATION ACT**

Made: June 12, 1998  
Approved: June 12, 1998  
Filed: June 15, 1998

**CALCULATION OF FEES FOR PUPILS FOR THE  
1998-99 SCHOOL BOARD FISCAL YEAR**

**INTERPRETATION**

**1. (1) In this Regulation,**

"1998-99 A.D.E. regulation" means Ontario Regulation 286/98; ("règlement sur l'effectif quotidien moyen de 1998-1999")

"1998-99 grant regulation" means Ontario Regulation 287/98. ("règlement sur les subventions de 1998-1999")

"day school A.D.E.", for a board, means the day school average daily enrolment for the board, as calculated under section 2 of the 1998-99 A.D.E. regulation; ("effectif quotidien moyen de jour")

"elementary school pupil" means a pupil who is enrolled in any of junior kindergarten, kindergarten and grades one to eight; ("élève de l'élémentaire")

"high cost program" means,

(a) a special education program, or

(b) any other program which both the board and the party from whom the tuition fee is receivable agree is a high cost program for the purposes of this Regulation; ("programme à coût élevé")

"isolate board" means a school authority other than a section 68 board; ("conseil isolé")

"P.A.C.", for a pupil, means the pupil accommodation charge for a pupil as determined under subsections (3) and (4); ("frais de pension")

"secondary school pupil" means a pupil who is enrolled in any of grades nine to twelve or in a course leading to an OAC credit; ("élève du secondaire")

"section 68 board" means a board established under section 68 of the Act. ("conseil créé en vertu de l'article 68")

(2) For the purposes of this Regulation, the day school A.D.E. of a pupil enrolled in a school operated by a board is the day school A.D.E. for the board calculated as if that pupil were the board's only pupil.

(3) Subject to subsection (4), the pupil accommodation charge for a pupil is \$141 in the case of an elementary school pupil or \$282 in the case of a secondary school pupil.

(4) If a board has entered into an agreement under subsection 188 (3) of the Act that provides for a payment by the Crown in right of Canada to provide classroom accommodation for a specified number of pupils, the pupil accommodation charge for each pupil accommodated as a result of the agreement is zero.

(5) For the purposes of this Regulation, a pupil is a pupil of a board if he or she is a pupil of the board within the meaning of section 2 of the 1998-99 grant regulation.

**APPLICATION**

2. This Regulation applies in respect of the period September 1, 1998 to August 31, 1999.

**RÈGLEMENT DE L'ONTARIO 288/98**  
pris en application de la  
**LOI SUR L'ÉDUCATION**

pris le 12 juin 1998  
approuvé le 12 juin 1998  
déposé le 15 juin 1998

**CALCUL DES DROITS EXIGIBLES À L'ÉGARD DES  
ÉLÈVES POUR L'EXERCICE 1998-1999 DES  
CONSEILS SCOLAIRES**

**INTERPRÉTATION**

**1. (1) Les définitions qui suivent s'appliquent au présent règlement.**

«conseil créé en vertu de l'article 68» Conseil créé en vertu de l'article 68 de la Loi. («section 68 board»)

«conseil isolé» Administration scolaire, à l'exclusion d'un conseil créé en vertu de l'article 68. («isolate board»)

«effectif quotidien moyen de jour» À l'égard d'un conseil, s'entend de l'effectif quotidien moyen de jour du conseil calculé aux termes de l'article 2 du règlement sur l'effectif quotidien moyen de 1998-1999. («day school A.D.E.»)

«élève de l'élémentaire» Élève inscrit à la maternelle, au jardin d'enfants ou à l'une des huit premières années d'études. («elementary school pupil»)

«élève du secondaire» Élève inscrit à la neuvième, dixième, onzième ou douzième année d'études ou à un cours menant à l'obtention d'un crédit des cours préuniversitaires de l'Ontario. («secondary school pupil»)

«frais de pension» À l'égard d'un élève, s'entend des frais de pension de l'élève calculés aux termes des paragraphes (3) et (4). («P.A.C.»)

«programme à coût élevé» Selon le cas :

a) programme d'enseignement à l'enfance en difficulté;

b) tout autre programme dont le conseil et la partie qui doit payer les droits de scolarité conviennent qu'il s'agit d'un programme à coût élevé pour l'application du présent règlement. («high cost program»)

«règlement sur l'effectif quotidien moyen de 1998-1999» Le Règlement de l'Ontario 286/98. («1998-99 A.D.E. regulation»)

«règlement sur les subventions de 1998-1999» Le Règlement de l'Ontario 287/98. («1998-99 grant regulation»)

(2) Pour l'application du présent règlement, l'effectif quotidien moyen de jour d'un élève inscrit à une école qui relève d'un conseil est l'effectif quotidien moyen de jour du conseil calculé comme si cet élève était le seul élève du conseil.

(3) Sous réserve du paragraphe (4), les frais de pension sont de 141 \$ dans le cas d'un élève de l'élémentaire et de 282 \$ dans le cas d'un élève du secondaire.

(4) Si un conseil a conclu, en vertu du paragraphe 188 (3) de la Loi, une entente qui prévoit le paiement, par la Couronne du chef du Canada, d'une somme permettant la fourniture de facilités d'accueil à un nombre précis d'élèves, les frais de pension de chaque élève visé par l'entente sont nuls.

(5) Pour l'application du présent règlement, un élève est un élève d'un conseil s'il l'est au sens de l'article 2 du règlement sur les subventions de 1998-1999.

**APPLICATION**

2. Le présent règlement s'applique à l'égard de la période allant du 1<sup>er</sup> septembre 1998 au 31 août 1999.

FEES PAID TO BOARDS BY CANADA OR BY AUTHORITY PROVIDING  
EDUCATION FOR INDIANS

3. (1) This section applies in respect of a pupil who is enrolled in a school operated by a district school board or an isolate board if a fee in respect of the pupil is receivable by the board from,

- (a) the Crown in right of Canada; or
- (b) a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians.

(2) The fee in respect of a pupil described in subsection (1) shall be calculated as follows:

- 1. Take the base amount determined for the pupil under subsection (3), (4) or (5), as the case may be.
- 2. Multiply the day school A.D.E. of the pupil by the sum of,

- i. the base amount determined under paragraph 1, and
- ii. the P.A.C. for that pupil.

(3) For the purposes of paragraph 1 of subsection (2), the base amount for an elementary school pupil described in subsection (1) who is enrolled in a school operated by a district school board shall be determined as follows:

- 1. Determine the amount calculated for the board under paragraph 2 of section 13 of the 1998-99 grant regulation, on account of the foundation allocation for elementary school pupils.

- 2. Determine an amount on account of the special education allocation for elementary school pupils, as follows:

- i. Multiply the day school A.D.E. for elementary school pupils of the board by \$347.
- ii. Divide the amount determined for the board under paragraph 2 of section 14 of the 1998-99 grant regulation by the day school A.D.E. for pupils of the board.

- iii. Multiply the result obtained under subparagraph ii by the day school A.D.E. for elementary school pupils of the board.

- iv. Determine an amount on account of program ISA for elementary pupils, as follows:

A. If the amount determined for the board under clause 17 (a) of the 1998-99 grant regulation is greater than the amount determined for the board under clause 17 (b) of that Regulation, multiply the day school A.D.E. for elementary school pupils of the board by the per pupil amount specified for the board in Column 2 of Table 1 of that Regulation.

B. If the amount determined for the board under clause 17 (b) of the 1998-99 grant regulation is greater than the amount determined for the board under clause 17 (a) of that Regulation, calculate the part of the ISA level 2 and 3 funding total determined for the board under subsection 18 (5) of that Regulation that is generated by elementary pupils of the board.

- v. Total the amounts obtained under subparagraphs i, iii and iv.

- 3. In the case of an English-language district school board, determine an amount on account of the language allocation for elementary school pupils, as follows:

DROITS PAYÉS AUX CONSEILS PAR LE CANADA OU UNE ADMINISTRATION  
QUI DISPENSE L'ENSEIGNEMENT AUX INDIENS

3. (1) Le présent article s'applique à l'égard de l'élève inscrit à une école qui relève d'un conseil scolaire de district ou d'un conseil isolé si le conseil peut recevoir des droits à l'égard de cet élève :

- a) soit de la Couronne du chef du Canada;
- b) soit d'une bande, d'un conseil de bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens.

(2) Les droits exigibles à l'égard de l'élève visé au paragraphe (1) sont calculés de la manière suivante :

- 1. Prendre la somme de base calculée pour l'élève aux termes du paragraphe (3), (4) ou (5), selon le cas.

- 2. Multiplier l'effectif quotidien moyen de jour de l'élève par la somme de ce qui suit :

- i. la somme de base calculée aux termes de la disposition 1,
- ii. les frais de pension de l'élève.

(3) Pour l'application de la disposition 1 du paragraphe (2), la somme de base relative à un élève de l'élémentaire visé au paragraphe (1) qui est inscrit à une école qui relève d'un conseil scolaire de district est calculée de la manière suivante :

- 1. Calculer la part de l'élément éducation de base, calculée pour le conseil aux termes de la disposition 2 de l'article 13 du règlement sur les subventions de 1998-1999, qui vise les élèves de l'élémentaire.

- 2. Calculer la part de l'élément éducation de l'enfance en difficulté qui vise les élèves de l'élémentaire, de la manière suivante :

- i. Multiplier l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil par 347 \$.
- ii. Diviser la somme calculée pour le conseil aux termes de la disposition 2 de l'article 14 du règlement sur les subventions de 1998-1999 par l'effectif quotidien moyen de jour des élèves du conseil.

- iii. Multiplier le résultat obtenu aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil.

- iv. Calculer la part de l'AAS liée aux programmes qui vise les élèves de l'élémentaire de la manière suivante :

A. Si la somme calculée pour le conseil aux termes de l'alinéa 17 a) du règlement sur les subventions de 1998-1999 est supérieure à celle calculée pour lui aux termes de l'alinéa 17 b) de ce règlement, multiplier l'effectif quotidien moyen de jour des élèves de l'élémentaire du conseil par la somme par élève précisée, pour le conseil, à la colonne 2 du tableau 1 du même règlement.

B. Si la somme calculée pour le conseil aux termes de l'alinéa 17 b) du règlement sur les subventions de 1998-1999 est supérieure à celle calculée pour lui aux termes de l'alinéa 17 a) de ce règlement, calculer la part des AAS de niveau 2 et 3, calculée pour le conseil aux termes du paragraphe 18 (5) du même règlement, qui vise ses élèves de l'élémentaire.

- v. Additionner les sommes obtenues aux termes des sous-dispositions i, iii et iv.

- 3. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer la part de l'élément enseignement des langues qui vise les élèves de l'élémentaire, de la manière suivante :



- i. Take the French as a second language amount for elementary pupils of the board, as calculated under subsection 22 (3) of the 1998-99 grant regulation.
  - ii. Calculate the part of the ESL/ESD amount for the board, as calculated under section 24 of the 1998-99 grant regulation, that is generated by elementary school pupils of the board.
  - iii. Add the amount taken under subparagraph i to the amount calculated under subparagraph ii.
4. In the case of a French-language district school board, determine an amount on account of the language allocation for elementary school pupils, as follows:
  - i. Take the amount determined for the board under paragraph 1 of subsection 26 (1) of the 1998-99 grant regulation.
  - ii. Divide the total of the amounts determined for the board under paragraph 7 of subsection 28 (4) of the 1998-99 grant regulation by the total number of instructional units determined for the board under paragraph 3 of subsection 28 (4) of that Regulation. Multiply the result by the total number of elementary instructional units determined for the board under paragraph 1 of subsection 28 (4) of that Regulation.
  - iii. Calculate the part of the PDF funding level for the board, as calculated under subsection 28 (11) of the 1998-99 grant regulation, that is generated by elementary school pupils of the board.
  - iv. Total the amount taken under subparagraph i, the product obtained under subparagraph ii and the amount calculated under subparagraph iii.
5. Determine the amount calculated for the board under paragraph 4 of subsection 29 (11) of the 1998-99 grant regulation, on account of the small schools allocation for elementary school pupils.
6. Determine an amount on account of the remote and rural allocation for elementary school pupils, as follows:
  - i. Take the amount determined for the board under paragraph 5 of section 30 of the 1998-99 grant regulation.
  - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
  - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only elementary school pupils of the board.
7. Determine an amount on account of the learning opportunities allocation for elementary school pupils, as follows:
  - i. Take the amount determined for the board under section 31 of the 1998-99 grant regulation.
  - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
  - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only elementary school pupils of the board.
- i. Prendre la somme liée aux programmes de français langue seconde pour les élèves de l'élémentaire du conseil, calculée aux termes du paragraphe 22 (3) du règlement sur les subventions de 1998-1999.
  - ii. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil, calculée aux termes de l'article 24 du règlement sur les subventions de 1998-1999, qui vise les élèves de l'élémentaire du conseil.
  - iii. Additionner la somme prise aux termes de la sous-disposition i et la somme calculée aux termes de la sous-disposition ii.
4. Dans le cas d'un conseil scolaire de district de langue française, calculer la part de l'élément enseignement des langues qui vise les élèves de l'élémentaire, de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes de la disposition 1 du paragraphe 26 (1) du règlement sur les subventions de 1998-1999.
  - ii. Diviser le total des sommes calculées pour le conseil aux termes de la disposition 7 du paragraphe 28 (4) du règlement sur les subventions de 1998-1999 par le nombre total de modules scolaires calculé pour le conseil aux termes de la disposition 3 de ce paragraphe. Multiplier le résultat par le nombre total de modules scolaires de l'élémentaire calculé pour le conseil aux termes de la disposition 1 du même paragraphe.
  - iii. Calculer la part du niveau de financement des programmes de PDF pour le conseil, calculé aux termes du paragraphe 28 (11) du règlement sur les subventions de 1998-1999, qui vise les élèves de l'élémentaire du conseil.
  - iv. Additionner la somme prise aux termes de la sous-disposition i, le produit obtenu aux termes de la sous-disposition ii et la somme calculée aux termes de la sous-disposition iii.
5. Calculer la part de l'élément petites écoles, calculée pour le conseil aux termes de la disposition 4 du paragraphe 29 (11) du règlement sur les subventions de 1998-1999, qui vise les élèves de l'élémentaire.
6. Calculer la part de l'élément conseils ruraux et éloignés qui vise les élèves de l'élémentaire, de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes de la disposition 5 de l'article 30 du règlement sur les subventions de 1998-1999.
  - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
  - iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
7. Calculer la part de l'élément programmes d'aide à l'apprentissage qui vise les élèves de l'élémentaire, de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes de l'article 31 du règlement sur les subventions de 1998-1999.
  - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
  - iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.

8. Determine an amount on account of the teacher compensation allocation for elementary school pupils, by calculating what the amount calculated for the board under paragraph 7 of subsection 33 (10) of the 1998-99 grant regulation would be if that calculation were done counting only teachers employed by the board to provide instruction to elementary school pupils and counting only elementary school pupils of the board.
9. Determine the amount calculated for the board under paragraph 2 of subsection 34 (2) or paragraph 5 of subsection 34 (3) of the 1998-99 grant regulation, as the case may be, on account of the early learning allocation.
10. Determine an amount on account of the administration and governance allocation for elementary school pupils, as follows:
  - i. Take the amount determined for the board under paragraph 4 of subsection 36 (1) of the 1998-99 grant regulation.
  - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
  - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only elementary school pupils of the board.
11. Determine an amount on account of the school operations part of the pupil accommodation allocation for elementary school pupils, by multiplying the elementary school area requirement determined for the board under paragraph 2 of subsection 37 (2) of the 1998-99 grant regulation or, where a supplementary elementary school area factor is approved for the board under subsection 37 (3) of that Regulation, the adjusted elementary school area requirement determined for the board under paragraph 3 of subsection 37 (2) of that Regulation, by the benchmark operating cost of \$55.97.
12. Total the amounts determined for the board under paragraphs 1 to 11.
13. Divide the total obtained under paragraph 12 by the day school A.D.E. for the board, counting only elementary school pupils of the board.
14. Where an amount calculated in accordance with section 46 of the 1998-99 grant regulation is subtracted from the total determined for the board under paragraph 3 of section 11 of that Regulation, subtract an amount calculated as follows from the amount obtained under paragraph 13:
  - i. Take the amount calculated for the board under subsection 46 (2) of the 1998-99 grant regulation.
  - ii. Divide the amount referred to in subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
15. Where an amount calculated in accordance with section 47 of the 1998-99 grant regulation is added to the total determined for the board under paragraph 3 of section 11 of that Regulation, add an amount calculated as follows to the amount obtained under paragraph 13:
  - i. Take the amount calculated for the board under subsection 47 (2) of the 1998-99 grant regulation.
8. Calculer la part de l'élément rémunération des enseignants qui vise les élèves de l'élémentaire, en calculant ce que serait la somme calculée pour le conseil aux termes de la disposition 7 du paragraphe 33 (10) du règlement sur les subventions de 1998-1999 si ce calcul était effectué en ne comptant que les enseignants que le conseil emploie pour dispenser l'enseignement aux élèves de l'élémentaire et en ne comptant que les élèves de l'élémentaire du conseil.
9. Calculer l'élément apprentissage durant les premières années d'études calculé pour le conseil aux termes de la disposition 2 du paragraphe 34 (2) ou de la disposition 5 du paragraphe 34 (3), selon le cas, du règlement sur les subventions de 1998-1999.
10. Calculer la part de l'élément administration et gestion qui vise les élèves de l'élémentaire, de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes de la disposition 4 du paragraphe 36 (1) du règlement sur les subventions de 1998-1999.
  - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
  - iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
11. Calculer la part de la portion fonctionnement des écoles de l'élément installations d'accueil pour les élèves qui vise les élèves de l'élémentaire, en multipliant par le coût repère de fonctionnement de 55,97 \$ la superficie requise pour les écoles élémentaires du conseil calculée aux termes de la disposition 2 du paragraphe 37 (2) du règlement sur les subventions de 1998-1999 ou, si un facteur relatif à la superficie supplémentaire des écoles élémentaires est approuvé pour le conseil aux termes du paragraphe 37 (3) de ce règlement, la superficie redressée des écoles élémentaires requise pour le conseil calculée aux termes de la disposition 3 du paragraphe 37 (2) du même règlement.
12. Additionner les sommes calculées pour le conseil aux termes des dispositions 1 à 11.
13. Diviser le total obtenu aux termes de la disposition 12 par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves de l'élémentaire.
14. Si une somme calculée conformément à l'article 46 du règlement sur les subventions de 1998-1999 est soustraite du total calculé pour le conseil aux termes de la disposition 3 de l'article 11 de ce règlement, soustraire, de la somme obtenue aux termes de la disposition 13, une somme calculée de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes du paragraphe 46 (2) du règlement sur les subventions de 1998-1999.
  - ii. Diviser la somme visée à la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
15. Si une somme calculée conformément à l'article 47 du règlement sur les subventions de 1998-1999 est ajoutée au total calculé pour le conseil aux termes de la disposition 3 de l'article 11 de ce règlement, ajouter, à la somme obtenue aux termes de la disposition 13, une somme calculée de la manière suivante :
  - i. Prendre la somme calculée pour le conseil aux termes du paragraphe 47 (2) du règlement sur les subventions de 1998-1999.

- ii. Divide the amount referred to in subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.

(4) For the purposes of paragraph 1 of subsection (2), the base amount for a secondary school pupil described in subsection (1) who is enrolled in a school operated by a district school board shall be determined as follows:

1. Determine the amount calculated for the board under paragraph 4 of section 13 of the 1998-99 grant regulation, on account of the foundation allocation for secondary school pupils.
2. Determine an amount on account of the special education allocation for secondary school pupils, as follows:
  - i. Multiply the day school A.D.E. for secondary school pupils of the board by \$214.
  - ii. Divide the amount determined for the board under paragraph 2 of section 14 of the 1998-99 grant regulation by the day school A.D.E. of pupils of the board.
  - iii. Multiply the result obtained under subparagraph ii by the day school A.D.E. for secondary school pupils of the board.
  - iv. Determine an amount on account of program ISA for secondary pupils, as follows:
    - A. If the amount determined for the board under clause 17 (a) of the 1998-99 grant regulation is greater than the amount determined for the board under clause 17 (b) of that Regulation, multiply the day school A.D.E. for secondary school pupils of the board by the per pupil amount specified for the board in Column 2 of Table 1 of that Regulation.
    - B. If the amount determined for the board under clause 17 (b) of the 1998-99 grant regulation is greater than the amount determined for the board under clause 17 (a) of that Regulation, calculate the part of the ISA level 2 and 3 funding total determined for the board under subsection 18 (5) of that Regulation that is generated by secondary pupils of the board.
  - v. Total the amounts obtained under subparagraphs i, iii and iv.
3. In the case of an English-language district school board, determine an amount on account of the language allocation for secondary school pupils, as follows:
  - i. Take the French as a second language amount for secondary pupils of the board, as calculated under subsection 22 (5) of the 1998-99 grant regulation.
  - ii. Calculate the part of the ESL/ESD amount for the board, as calculated under section 24 of the 1998-99 grant regulation, that is generated by secondary school pupils of the board.
  - iii. Add the amount taken under subparagraph i to the amount calculated under subparagraph ii.
4. In the case of a French-language district school board, determine an amount on account of the language allocation for secondary school pupils, as follows:

- ii. Diviser la somme visée à la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.

(4) Pour l'application de la disposition 1 du paragraphe (2), la somme de base relative à un élève du secondaire visé au paragraphe (1) qui est inscrit à une école qui relève d'un conseil scolaire de district est calculée de la manière suivante :

1. Calculer la part de l'élément éducation de base, calculée pour le conseil aux termes de la disposition 4 de l'article 13 du règlement sur les subventions de 1998-1999, qui vise les élèves du secondaire.
2. Calculer la part de l'élément éducation de l'enfance en difficulté qui vise les élèves du secondaire, de la manière suivante :
  - i. Multiplier l'effectif quotidien moyen de jour des élèves du secondaire du conseil par 214 \$.
  - ii. Diviser la somme calculée pour le conseil aux termes de la disposition 2 de l'article 14 du règlement sur les subventions de 1998-1999 par l'effectif quotidien moyen de jour des élèves du conseil.
  - iii. Multiplier le résultat obtenu aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour des élèves du secondaire du conseil.
  - iv. Calculer la part de l'AAS liée aux programmes qui vise les élèves du secondaire de la manière suivante :
    - A. Si la somme calculée pour le conseil aux termes de l'alinéa 17 a) du règlement sur les subventions de 1998-1999 est supérieure à celle calculée pour lui aux termes de l'alinéa 17 b) de ce règlement, multiplier l'effectif quotidien moyen de jour des élèves du secondaire du conseil par la somme par élève précisée, pour le conseil, à la colonne 2 du tableau 1 du même règlement.
    - B. Si la somme calculée pour le conseil aux termes de l'alinéa 17 b) du règlement sur les subventions de 1998-1999 est supérieure à celle calculée pour lui aux termes de l'alinéa 17 a) de ce règlement, calculer la part des AAS de niveau 2 et 3, calculée pour le conseil aux termes du paragraphe 18 (5) du même règlement, qui vise ses élèves du secondaire.
  - v. Additionner les sommes obtenues aux termes des sous-dispositions i, iii et iv.
3. Dans le cas d'un conseil scolaire de district de langue anglaise, calculer la part de l'élément enseignement des langues qui vise les élèves du secondaire, de la manière suivante :
  - i. Prendre la somme liée aux programmes de français langue seconde pour les élèves du secondaire du conseil, calculée aux termes du paragraphe 22 (5) du règlement sur les subventions de 1998-1999.
  - ii. Calculer la part de la somme liée aux programmes d'ESL/ESD pour le conseil, calculée aux termes de l'article 24 du règlement sur les subventions de 1998-1999, qui vise les élèves du secondaire du conseil.
  - iii. Additionner la somme prise aux termes de la sous-disposition i et la somme calculée aux termes de la sous-disposition ii.
4. Dans le cas d'un conseil scolaire de district de langue française, calculer la part de l'élément enseignement des langues qui vise les élèves du secondaire, de la manière suivante :

- i. Take the amount determined for the board under paragraph 2 of subsection 26 (1) of the 1998-99 grant regulation.
  - ii. Divide the total of the amounts determined for the board under paragraph 7 of subsection 28 (4) of the 1998-99 grant regulation by the total number of instructional units determined for the board under paragraph 3 of subsection 28 (4) of that Regulation. Multiply the result by the total number of secondary instructional units determined for the board under paragraph 2 of subsection 28 (4) of that Regulation.
  - iii. Calculate the part of the PDF funding level for the board, as calculated under subsection 28 (11) of the 1998-99 grant regulation, that is generated by secondary school pupils of the board.
  - iv. Total the amount taken under subparagraph i, the product obtained under subparagraph ii and the amount calculated under subparagraph iii.
5. Determine the amount calculated for the board under paragraph 8 of subsection 29 (11) of the 1998-99 grant regulation, on account of the small schools allocation for secondary school pupils.
  6. Determine an amount on account of the remote and rural allocation for secondary school pupils, as follows:
    - i. Take the amount determined for the board under paragraph 5 of section 30 of the 1998-99 grant regulation.
    - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
    - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only secondary school pupils of the board.
  7. Determine an amount on account of the learning opportunities allocation for secondary school pupils, as follows:
    - i. Take the amount determined for the board under section 31 of the 1998-99 grant regulation.
    - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
    - iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only secondary school pupils of the board.
  8. Determine an amount on account of the teacher compensation allocation for secondary school pupils, by subtracting from the amount calculated under paragraph 10 of subsection 33 (10) of the 1998-99 grant regulation the amount determined on account of teacher compensation allocation for elementary pupils calculated under paragraph 8 of subsection (3).
  9. Determine an amount on account of the administration and governance allocation for secondary school pupils, as follows:
    - i. Take the amount determined for the board under paragraph 4 of subsection 36 (1) of the 1998-99 grant regulation.
    - ii. Divide the amount determined for the board under subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
- i. Prendre la somme calculée pour le conseil aux termes de la disposition 2 du paragraphe 26 (1) du règlement sur les subventions de 1998-1999.
  - ii. Diviser le total des sommes calculées pour le conseil aux termes de la disposition 7 du paragraphe 28 (4) du règlement sur les subventions de 1998-1999 par le nombre total de modules scolaires calculé pour le conseil aux termes de la disposition 3 de ce paragraphe. Multiplier le résultat par le nombre de modules scolaires du secondaire calculé pour le conseil aux termes de la disposition 2 du même paragraphe.
  - iii. Calculer la part du niveau de financement des programmes de PDF pour le conseil, calculé aux termes du paragraphe 28 (11) du règlement sur les subventions de 1998-1999, qui vise les élèves du secondaire du conseil.
  - iv. Additionner la somme prise aux termes de la sous-disposition i, le produit obtenu aux termes de la sous-disposition ii et la somme calculée aux termes de la sous-disposition iii.
5. Calculer la part de l'élément petites écoles, calculée pour le conseil aux termes de la disposition 8 du paragraphe 29 (11) du règlement sur les subventions de 1998-1999, qui vise les élèves du secondaire.
  6. Calculer la part de l'élément conseils ruraux et éloignés qui vise les élèves du secondaire, de la manière suivante :
    - i. Prendre la somme calculée pour le conseil aux termes de la disposition 5 de l'article 30 du règlement sur les subventions de 1998-1999.
    - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
    - iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
  7. Calculer la part de l'élément programmes d'aide à l'apprentissage qui vise les élèves du secondaire, de la manière suivante :
    - i. Prendre la somme calculée pour le conseil aux termes de l'article 31 du règlement sur les subventions de 1998-1999.
    - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
    - iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
  8. Calculer la part de l'élément rémunération des enseignants qui vise les élèves du secondaire, en soustrayant de la somme calculée aux termes de la disposition 10 du paragraphe 33 (10) du règlement sur les subventions de 1998-1999 la part de l'élément rémunération des enseignants qui vise les élèves de l'élémentaire calculée aux termes de la disposition 8 du paragraphe (3).
  9. Calculer la part de l'élément administration et gestion qui vise les élèves du secondaire, de la manière suivante :
    - i. Prendre la somme calculée pour le conseil aux termes de la disposition 4 du paragraphe 36 (1) du règlement sur les subventions de 1998-1999.
    - ii. Diviser la somme calculée pour le conseil aux termes de la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.

- iii. Multiply the amount determined under subparagraph ii by the day school A.D.E. for the board, counting only secondary school pupils of the board.
10. Determine an amount on account of the school operations part of the pupil accommodation allocation for secondary school pupils, as follows:
- Multiply the secondary school area requirement for the board determined under paragraph 11 of subsection 37 (2) of the 1998-99 grant regulation or, where a supplementary secondary school area factor is approved for the board under subsection 37 (6) of that Regulation, the adjusted secondary school area requirement determined for the board under paragraph 12 of subsection 37 (2) of that Regulation, by the benchmark operating cost of \$55.97.
11. Total the amounts determined for the board under paragraphs 1 to 10.
12. Divide the total obtained under paragraph 11 by the day school A.D.E. for the board, counting only secondary school pupils of the board.
13. Where an amount calculated in accordance with section 46 of the 1998-99 grant regulation is subtracted from the total determined for the board under paragraph 3 of section 11 of that Regulation, subtract an amount calculated as follows from the amount obtained under paragraph 12:
- Take the amount calculated for the board under subsection 46 (2) of the 1998-99 grant regulation.
  - Divide the amount referred to in subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
14. Where an amount calculated in accordance with section 47 of the 1998-99 grant regulation is added to the total determined for the board under paragraph 3 of section 11 of that Regulation, add an amount calculated as follows to the amount obtained under paragraph 12:
- Take the amount calculated for the board under subsection 47 (2) of the 1998-99 grant regulation.
  - Divide the amount referred to in subparagraph i by the day school A.D.E. for the board, counting only pupils of the board.
- (5) For the purposes of paragraph 1 of subsection (2), the base amount for a pupil described in subsection (1) who is enrolled in a school operated by an isolate board shall be determined as follows:
- Take the approved expenditure of the board within the meaning of subsection 55 (1) of the 1998-99 grant regulation.
  - Deduct the amount of the approved expenditure referred to in paragraph 1 that relates to transportation.
  - Deduct the amount of the approved expenditure referred to in paragraph 1 that relates to school renewal.
  - Divide the amount obtained under paragraph 3 by the day school A.D.E. for the board, counting only pupils of the board.
- (6) The fee in respect of a pupil described in subsection (1) who is enrolled in a Native language program in a school operated by a district school board and whose fee is receivable from the Crown in right of
- iii. Multiplier la somme calculée aux termes de la sous-disposition ii par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
10. Calculer la part de la portion fonctionnement des écoles de l'élément installations d'accueil pour les élèves qui vise les élèves du secondaire, de la manière suivante :
- Multiplier par le coût repère de fonctionnement de 55,97 \$ la superficie requise pour les écoles secondaires du conseil calculée aux termes de la disposition 11 du paragraphe 37 (2) du règlement sur les subventions de 1998-1999 ou, si un facteur relatif à la superficie supplémentaire des écoles secondaires est approuvé pour le conseil aux termes du paragraphe 37 (6) du même règlement, la superficie redressée des écoles secondaires requise pour le conseil calculée aux termes de la disposition 12 du paragraphe 37 (2) du même règlement.
11. Additionner les sommes calculées pour le conseil aux termes des disposition 1 à 10.
12. Diviser le total obtenu aux termes de la disposition 11 par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves du secondaire.
13. Si une somme calculée conformément à l'article 46 du règlement sur les subventions de 1998-1999 est soustraite du total calculé pour le conseil aux termes de la disposition 3 de l'article 11 de ce règlement, soustraire, de la somme obtenue aux termes de la disposition 12, une somme calculée de la manière suivante :
- Prendre la somme calculée pour le conseil aux termes du paragraphe 46 (2) du règlement sur les subventions de 1998-1999.
  - Diviser la somme visée à la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
14. Si une somme calculée conformément à l'article 47 du règlement sur les subventions de 1998-1999 est ajoutée au total calculé pour le conseil aux termes de la disposition 3 de l'article 11 de ce règlement, ajouter, à la somme obtenue aux termes de la disposition 12, une somme calculée de la manière suivante :
- Prendre la somme calculée pour le conseil aux termes du paragraphe 47 (2) du règlement sur les subventions de 1998-1999.
  - Diviser la somme visée à la sous-disposition i par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
- (5) Pour l'application de la disposition 1 du paragraphe (2), la somme de base relative à un élève visé au paragraphe (1) qui est inscrit à une école qui relève d'un conseil isolé est calculée de la manière suivante :
- Prendre les dépenses approuvées du conseil au sens du paragraphe 55 (1) du règlement sur les subventions de 1998-1999.
  - Déduire la part des dépenses approuvées visées à la disposition 1 qui se rapporte au transport des élèves.
  - Déduire la part des dépenses approuvées visées à la disposition 1 qui se rapporte à la réfection des écoles.
  - Diviser la somme obtenue aux termes de la disposition 3 par l'effectif quotidien moyen de jour du conseil calculé en ne comptant que ses élèves.
- (6) Les droits exigibles à l'égard de l'élève visé au paragraphe (1) qui est inscrit à un programme de langue autochtone dans une école qui relève d'un conseil scolaire de district et que celui-ci peut recevoir de

Canada or from a band, the council of a band or an education authority where the band, council of a band or education authority is authorized by the Crown in right of Canada to provide education for Indians, may, at the option of the district school board, be increased by an amount equal to the allocation for Native as a second language that would be generated for the pupil if he or she were a pupil of the board, determined in accordance with section 23 or 27, as the case may be, of the 1998-99 grant regulation.

(7) The fee in respect of a pupil described in subsection (1) who is enrolled in a high cost program may, at the option of the board, be increased by multiplying the fee by a factor agreed on by the board providing the instruction and the party from whom the fee is receivable or, in the absence of agreement, by a factor determined in accordance with subsection (8).

(8) If the board providing the instruction and the party from whom the fee is receivable cannot agree on a factor, the factor shall be determined by three arbitrators, appointed as follows:

1. One arbitrator shall be appointed by the board that provides the instruction.
2. One arbitrator shall be appointed by the party from whom the fee is receivable.
3. One arbitrator shall be appointed by the arbitrators appointed under paragraphs 1 and 2.

(9) The decision of the arbitrators or a majority of them is final and binding on the board providing the instruction and the party from whom the fee is receivable.

(10) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

#### FEES CHARGED TO PARTIES RESIDING IN ONTARIO

4. (1) This section applies in respect of a pupil described in subsection 46 (2) of the Act who is enrolled in a school of a district school board or an isolate board and who resides with his or her parent or guardian in a school section, separate school zone or secondary school district on land that is exempt from taxation for school purposes.

(2) The fee that a board shall charge in respect of a pupil described in subsection (1) to the parent or guardian is \$40 for each month or part of a month the pupil is enrolled in a school of the board.

(3) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

#### FEES CHARGED TO PARTIES NOT RESIDING IN ONTARIO

5. (1) The fee in respect of a pupil who is enrolled in a school of a district school board or an isolate board and whose parent or guardian does not reside in Ontario shall be such fee as the board may determine, but shall not exceed the maximums set by subsections (2) and (3).

(2) Except as is provided in subsection (3), the fee in respect of a pupil who is enrolled in a school of a district school board or an isolate board and whose parent or guardian does not reside in Ontario shall not exceed the amount calculated as follows:

1. Add the base amount determined under paragraph 1 of subsection 3 (2) and the P.A.C. for the pupil.
2. Multiply the amount obtained under paragraph 1 by 0.1.
3. Multiply the result obtained under paragraph 2 by the number of months or part months during which the pupil is enrolled in a school operated by the board.

la Couronne du chef du Canada ou d'une bande, du conseil d'une bande ou d'une commission indienne de l'éducation que la Couronne du chef du Canada autorise à dispenser l'enseignement aux Indiens, peuvent, au choix du conseil scolaire de district, être augmentés d'une somme égale à la fraction de la somme liée aux programmes de langue autochtone langue seconde qui serait versée pour l'élève s'il s'agissait d'un élève du conseil, calculée conformément à l'article 23 ou 27, selon le cas, du règlement sur les subventions de 1998-1999.

(7) Les droits exigibles à l'égard d'un élève visé au paragraphe (1) qui est inscrit à un programme à coût élevé peuvent, au choix du conseil, être augmentés en les multipliant par le facteur dont conviennent le conseil qui dispense l'enseignement et la partie qui doit payer ces droits ou, en l'absence d'entente, par un facteur calculé conformément au paragraphe (8).

(8) Si le conseil qui dispense l'enseignement et la partie qui doit payer les droits ne peuvent s'entendre sur le facteur à utiliser, celui-ci est calculé par trois arbitres, nommés de la manière suivante :

1. Un arbitre est nommé par le conseil qui dispense l'enseignement.
2. Un arbitre est nommé par la partie qui doit payer les droits.
3. Un arbitre est nommé par les arbitres nommés aux termes des dispositions 1 et 2.

(9) La décision des arbitres ou de la majorité d'entre eux est définitive et lie le conseil qui dispense l'enseignement et la partie qui doit payer les droits.

(10) Le présent article ne s'applique pas à l'égard des élèves auxquels s'applique le paragraphe 49 (6) de la Loi.

#### DROITS IMPOSÉS AUX PARTIES QUI RÉSIDENT EN ONTARIO

4. (1) Le présent article s'applique à l'égard de l'élève visé au paragraphe 46 (2) de la Loi qui est inscrit à une école d'un conseil scolaire de district ou d'un conseil isolé et qui réside avec son père, sa mère ou son tuteur sur un bien-fonds exonéré d'impôts scolaires qui est situé dans une circonscription scolaire, une zone d'écoles séparées ou un district d'écoles secondaires.

(2) Les droits qu'un conseil impose à l'égard d'un élève visé au paragraphe (1) à son père, à sa mère ou à son tuteur sont de 40 \$ pour chaque mois ou fraction de mois où il est inscrit à une école du conseil.

(3) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

#### DROITS IMPOSÉS AUX PARTIES QUI NE RÉSIDENT PAS EN ONTARIO

5. (1) Les droits exigibles à l'égard de l'élève qui est inscrit à une école d'un conseil scolaire de district ou d'un conseil isolé et dont le père, la mère ou le tuteur ne réside pas en Ontario sont ceux que fixe le conseil, mais ne doivent pas dépasser les maximums prévus aux paragraphes (2) et (3).

(2) Sauf dans le cas prévu au paragraphe (3), les droits exigibles à l'égard de l'élève qui est inscrit à une école d'un conseil scolaire de district ou d'un conseil isolé et dont le père, la mère ou le tuteur ne réside pas en Ontario ne doivent pas dépasser la somme calculée de la manière suivante :

1. Additionner la somme de base calculée aux termes de la disposition 1 du paragraphe 3 (2) et les frais de pension de l'élève.
2. Multiplier la somme obtenue aux termes de la disposition 1 par 0,1.
3. Multiplier le résultat obtenu aux termes de la disposition 2 par le nombre de mois ou de fractions de mois où l'élève est inscrit à une école qui relève du conseil.



(3) Where the pupil is enrolled in a high cost program, the maximum set by subsection (2) shall be increased by an amount that does not exceed the additional cost to the board of providing the high cost program to the pupil.

(4) This section does not apply in respect of a pupil to whom subsection 49 (6) of the Act applies.

#### FEES IN RESPECT OF PUPILS TO WHOM SUBSECTION 49 (6) OF THE ACT APPLIES

6. (1) The fee in respect of a pupil to whom subsection 49 (6) of the Act applies shall be the amount determined in accordance with a fees policy developed for the purposes of this section by the board that operates the school in which the pupil is enrolled.

(2) The policy referred to in subsection (1) shall not, in the case of a district school board or isolate board, provide for a fee in respect of a pupil that is less than the amount that would be chargeable by the board in respect of the pupil under section 3.

(3) The policy referred to in subsection (1) shall not, in the case of a section 68 board, provide for a fee in respect of a pupil that is less than the amount that would be chargeable by the board in respect of the pupil under section 7.

#### FEES PAID TO SECTION 68 BOARDS

7. Except where section 6 applies, the fee that a board shall charge in respect of a pupil who is enrolled in a school operated by a section 68 board and whose parent or guardian does not reside in Ontario shall be an amount determined as follows:

1. Take the expenditure of the board for the 1998-99 fiscal year that is acceptable to the Minister for grant purposes, excluding,
  - i. expenditures for debt charges,
  - ii. expenditures for the purchase of capital assets, as defined in the 1998-99 grant regulation,
  - iii. expenditures for the restoration of destroyed or damaged capital assets, as defined in the 1998-99 grant regulation, and
  - iv. provisions for reserves for working funds and provisions for reserve funds.
2. Deduct any transfers from reserves for working funds or from reserve funds made during the 1998-99 fiscal year.
3. Deduct the revenue of the board for the 1998-99 fiscal year from,
  - i. any organization on whose property a school of the board is located, and
  - ii. refunds of expenditure of the kind described in subparagraph i, ii or iii of paragraph 1.
4. Divide the amount obtained under paragraph 3 by the total number of pupil days for the board for the period September 1, 1998 to August 31, 1999. For the purposes of this paragraph, the total number of pupil days for the board for the period is the sum of the number of instructional days for which each pupil who was enrolled in the school during the period.
5. Multiply the result obtained under paragraph 4 by the number of instructional days for which the pupil is enrolled in the school.

(3) Si l'élève est inscrit à un programme à coût élevé, le maximum fixé au paragraphe (2) est augmenté d'une somme ne dépassant pas le coût supplémentaire assumé par le conseil pour dispenser le programme à cet élève.

(4) Le présent article ne s'applique pas à l'égard de l'élève auquel s'applique le paragraphe 49 (6) de la Loi.

#### DROITS EXIGIBLES À L'ÉGARD DES ÉLÈVES AUXQUELS S'APPLIQUE LE PARAGRAPHE 49 (6) DE LA LOI

6. (1) Les droits exigibles à l'égard d'un élève auquel s'applique le paragraphe 49 (6) de la Loi correspondent à la somme calculée conformément à la politique relative aux droits que le conseil dont relève l'école à laquelle est inscrit l'élève élabore pour l'application du présent article.

(2) La politique visée au paragraphe (1) ne doit pas, dans le cas d'un conseil scolaire de district ou d'un conseil isolé, prévoir des droits à l'égard d'un élève qui sont inférieurs à la somme que le conseil pourrait exiger à son égard aux termes de l'article 3.

(3) La politique visée au paragraphe (1) ne doit pas, dans le cas d'un conseil créé en vertu de l'article 68, prévoir des droits à l'égard d'un élève qui sont inférieurs à la somme que le conseil pourrait exiger à son égard aux termes de l'article 7.

#### DROITS VERSÉS AUX CONSEILS CRÉÉS EN VERTU DE L'ARTICLE 68

7. Sous réserve de l'article 6, les droits qu'un conseil impose à l'égard de l'élève qui est inscrit à une école qui relève d'un conseil créé en vertu de l'article 68 et dont le père, la mère ou le tuteur ne réside pas en Ontario sont calculés de la manière suivante :

1. Prendre les dépenses du conseil pour l'exercice 1998-1999 que le ministre juge acceptables aux fins des subventions, à l'exclusion de ce qui suit :
  - i. les dépenses liées au service de la dette,
  - ii. les dépenses liées à l'acquisition d'immobilisations au sens du règlement sur les subventions de 1998-1999,
  - iii. les dépenses liées à la restauration d'immobilisations, au sens du règlement sur les subventions de 1998-1999, qui ont été détruites ou qui sont endommagées,
  - iv. les provisions pour réserves pour fonds de roulement et celles pour fonds de réserve.
2. Déduire les sommes virées des réserves pour fonds de roulement ou des fonds de réserve pendant l'exercice 1998-1998.
3. Déduire les recettes de 1998-1999 du conseil provenant de ce qui suit :
  - i. un organisme sur le bien duquel se trouve une école du conseil,
  - ii. les remboursements de dépenses du genre visé à la sous-disposition i, ii ou iii de la disposition 1.
4. Diviser la somme obtenue aux termes de la disposition 3 par le nombre total de jours-élève du conseil pour la période allant du 1<sup>er</sup> septembre 1998 au 31 août 1999. Pour l'application de la présente disposition, le nombre total de jours-élève du conseil pour cette période est la somme du nombre de jours d'enseignement pour lesquels chaque élève était inscrit à l'école pendant cette période.
5. Multiplier le résultat obtenu aux termes de la disposition 4 par le nombre de jours d'enseignement pour lesquels l'élève est inscrit à l'école.

NO FEES PAYABLE BY BOARDS

INTERDICTION DES PAIEMENTS DE DROITS DE CONSEIL À CONSEIL

8. No fee is payable under this Regulation by one board to another board.

8. Aucun conseil n'est tenu de payer des droits à un autre conseil aux termes du présent règlement.

DAVID JOHNSON  
*Minister of Education and Training*

DAVID JOHNSON  
*Ministre de l'Éducation et de la Formation*

Dated on June 12, 1998.

Fait le 12 juin 1998.

27/98

---

**ONTARIO REGULATION 289/98**  
made under the  
**PLANNING ACT**

Made: June 15, 1998  
Filed: June 16, 1998

Amending O. Reg. 102/72  
(Restricted Area—Country of Ontario (now The Regional  
Municipality of Durham), Township of Pickering  
(now the Town of Pickering))

Note: Ontario Regulation 102/72 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Ontario Regulation 102/72 is amended by adding the following section:**

98. (1) In this Order, "By-law 5129/97" means By-law Number 5129/97 passed or purported to be passed by the council of the Corporation of the Town of Pickering on October 14, 1997, as it read on the day this Section came into force, and available for inspection by the public at the office of the Clerk of the Town of Pickering.

(2) Despite any other provision of this Order, the provisions of By-law 5129/97 apply to the lands described in subsection (3).

(3) Subsections (1) and (2) apply to the lands described in Schedule 1 to By-law 5129/97.

AUDREY BENNETT  
*Manager*  
*Provincial Planning Services Branch*  
*Ministry of Municipal Affairs and Housing*

Dated on June 15, 1998.

27/98



**ONTARIO REGULATION 290/98****made under the  
HUMAN RIGHTS CODE**

Made: May 13, 1998

Filed: June 17, 1998

**BUSINESS PRACTICES PERMISSIBLE TO  
LANDLORDS IN SELECTING PROSPECTIVE  
TENANTS FOR RESIDENTIAL ACCOMMODATION**

1. (1) A landlord may request credit references and rental history information, or either of them, from a prospective tenant and may request from a prospective tenant authorization to conduct credit checks on the prospective tenant.

(2) A landlord may consider credit references, rental history information and credit checks obtained pursuant to requests under subsection (1), alone or in any combination, in order to assess the prospective tenant and the landlord may select or refuse the prospective tenant accordingly.

(3) A landlord may request income information from a prospective tenant only if the landlord also requests information listed in subsection (1).

(4) A landlord may consider income information about a prospective tenant in order to assess the prospective tenant and the landlord may select or refuse the prospective tenant accordingly only if the landlord considers the income information together with all the other information that was obtained by the landlord pursuant to requests under subsection (1).

(5) If, after requesting the information listed in subsections (1) and (3), a landlord only obtains income information about a prospective tenant, the landlord may consider the income information alone in order to assess the prospective tenant and the landlord may select or refuse the prospective tenant accordingly.

2. (1) A landlord may require a prospective tenant to obtain a guarantee for the rent.

(2) A landlord may require a prospective tenant to pay a security deposit in accordance with sections 117 and 118 of the *Tenant Protection Act, 1997*.

3. In selecting a prospective tenant, a landlord of a rental unit described in paragraph 1, 2 or 3 of subsection 5 (1) or subsection 6 (1) of the *Tenant Protection Act, 1997* may request and use income information about a prospective tenant in order to determine a prospective tenant's eligibility for rent in an amount geared-to-income and, when requesting and using the income information for that purpose only, the landlord is not bound by subsections 1 (3) and (4).

4. Nothing in this Regulation authorizes a landlord to refuse accommodation to any person because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, marital status, family status, handicap or the receipt of public assistance.

5. This Regulation comes into force on the day clause 48 (a.1) of the Act comes into force.

**RÈGLEMENT DE L'ONTARIO 290/98****pris en application de la  
CODE DES DROITS DE LA PERSONNE**

pris le 13 mai 1998

déposé le 17 juin 1998

**PRATIQUES DE COMMERCE AUXQUELLES LES  
LOCATEURS ONT AUTORISÉS À AVOIR RECOURS  
POUR CHOISIR LES LOCATAIRES ÉVENTUELS  
D'UN LOGEMENT**

1. (1) Le locateur peut demander à un locataire éventuel des références en matière de crédit ou des antécédents en matière de logement, ou les deux, et peut lui demander l'autorisation de procéder à des vérifications de son crédit.

(2) Le locateur peut prendre en considération les références en matière de crédit, les antécédents en matière de logement et les vérifications de crédit qu'il a obtenus par suite des demandes faites en vertu du paragraphe (1), soit isolément, soit en une combinaison quelconque, pour évaluer la situation du locataire éventuel et peut choisir ou non celui-ci en conséquence.

(3) Le locateur peut demander à un locataire éventuel des renseignements sur son revenu seulement s'il demande également les renseignements énoncés au paragraphe (1).

(4) Le locateur peut prendre en considération les renseignements sur le revenu du locataire éventuel pour évaluer la situation de celui-ci et peut choisir ou non celui-ci en conséquence seulement s'il prend les renseignements sur le revenu en considération conjointement avec tous les autres renseignements qu'il a obtenus par suite des demandes faites en vertu du paragraphe (1).

(5) S'il demande les renseignements énoncés aux paragraphes (1) et (3) et qu'il n'obtient que les renseignements sur le revenu du locataire éventuel, le locateur peut prendre en considération les renseignements sur le revenu isolément pour évaluer la situation du locataire éventuel et peut choisir ou non celui-ci en conséquence.

2. (1) Le locateur peut exiger que le locataire éventuel obtienne une garantie pour le loyer.

(2) Le locateur peut exiger que le locataire éventuel verse un dépôt de garantie conformément aux articles 117 et 118 de la *Loi de 1997 sur la protection des locataires*.

3. Lorsqu'il choisit un locataire éventuel, le locateur d'un logement locatif visé à la disposition 1, 2 ou 3 du paragraphe 5 (1) ou au paragraphe 6 (1) de la *Loi de 1997 sur la protection des locataires* peut demander et utiliser les renseignements sur le revenu d'un locataire éventuel pour déterminer l'admissibilité de ce dernier à un loyer indexé sur le revenu. Le locateur qui ne demande et n'utilise les renseignements sur le revenu qu'à cette fin n'est pas lié par les paragraphes 1 (3) et (4).

4. Le présent règlement n'a pas pour effet d'autoriser le locateur à refuser un logement à une personne pour des motifs fondés sur la race, l'ascendance, le lieu d'origine, la couleur, l'origine ethnique, la citoyenneté, la croyance, le sexe, l'orientation sexuelle, l'âge, l'état matrimonial, l'état familial, l'état d'assisté social ou un handicap.

5. Le présent règlement entre en vigueur le même jour que l'alinéa 48 a.1) de la Loi.

**ONTARIO REGULATION 291/98**

made under the  
**MILK ACT**

Made: June 12, 1998

Filed: June 17, 1998

Amending Reg. 761 of R.R.O. 1990  
(Milk and Milk Products)

Note: Since January 1, 1997, Regulation 761 has been amended by Ontario Regulations 108/97, 201/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsections 112 (5), (6) and (7) of Regulation 761 of the Revised Regulations of Ontario, 1990 are revoked and the following substituted:**

(5) Nothing in subsections (2) and (3) prevents an arrangement whereby a licensed non-shopkeeper-distributor supplies fluid milk products to another non-shopkeeper-distributor for delivery, sale, distribution or resale in the distribution area, municipality or part thereof designated on the licence of the distributor being supplied.

**2. Clause 122 (1) (e) of the Regulation is revoked and the following substituted:**

(e) the holder of the licence informs the Director in writing of the name of every distributor that supplies fluid milk products to the holder.

**3. This Regulation comes into force on August 1, 1998.**

ONTARIO FARM PRODUCTS MARKETING COMMISSION:

D. W. TAYLOR  
*Chair*

GLORIA MARCO BORYS  
*Secretary*

Dated on June 12, 1998.

27/98

**ONTARIO REGULATION 292/98**  
made under the  
**COURTS OF JUSTICE ACT**

Made: June 3, 1998  
Approved: June 17, 1998  
Filed: June 18, 1998

Amending Reg. 194 of R.R.O. 1990  
(Rules of Civil Procedure)

Note: Since January 1, 1997, Regulation 194 has been amended by Ontario Regulations 118/97, 348/97, 427/97, 442/97, 171/98, 214/98 and 217/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subrule 59.04 (7) of Regulation 194 of the Revised Regulations of Ontario, 1990 is amended by striking out "Director of the Family Support Plan" at the end and substituting "Director of the Family Responsibility Office".

2. Subrule 63.02 (4) of the Regulation is revoked and the following substituted:

**Support Order**

(4) A party who obtains a stay of a support order shall obtain a certificate of stay under subrule 63.03 (4) and file it forthwith in the office of the Director of the Family Responsibility Office.

3. Subrule 69.19 (8) of the Regulation is amended by striking out "Director of the Family Support Plan" at the end and substituting "Director of the Family Responsibility Office".

4. Clause 70.01 (e) of the Regulation is revoked and the following substituted:

(e) the *Family Responsibility and Support Arrears Enforcement Act, 1996*.

5. (1) Subrule 70.10.1 (1) of the Regulation is amended by striking out "*Family Support Plan Act (Form 70A.1)*" at the end and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*".

(2) Subrule 70.10.1 (3) of the Regulation is amended by striking out "*Family Support Plan Act*" at the end and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*".

(3) Clause 70.10.1 (6) (b) of the Regulation is amended by striking out "Director of the Family Support Plan" at the end and substituting "Director of the Family Responsibility Office".

(4) Clause 70.10.1 (6) (d) of the Regulation is revoked and the following substituted:

(d) in the case of a motion made under subsection 26 (2) or (3) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*, in the county where the income source resides.

(5) Subsection 70.10.1 (7) of the Regulation is revoked and the following substituted:

**Garnishment by Director**

(7) A notice of garnishment issued on requisition by the Director of the Family Responsibility Office shall be in Form 70A.2, and subrules 60.08 (11) to (19) (liability, payment, dispute, enforcement) apply, with necessary modifications, as if the Director were a sheriff.

**RÈGLEMENT DE L'ONTARIO 292/98**  
pris en application de la  
**LOI SUR LES TRIBUNAUX JUDICIAIRES**

pris le 3 juin 1998  
approuvé le 17 juin 1998  
déposé le 18 juin 1998

modifiant le Règl. de l'Ont. 194 des R.R.O. de 1990  
(Règles de procédure civile)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 194 a été modifié par les Règlements de l'Ontario 118/97, 348/97, 427/97, 442/97, 171/98, 214/98 et 217/98. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le paragraphe 59.04 (7) du Règlement 194 des Règlements refondus de l'Ontario de 1990 est modifié par substitution de «directeur du Bureau des obligations familiales» à «directeur du Régime des obligations familiales envers la famille» à la fin du paragraphe.

2. Le paragraphe 63.02 (4) du Règlement est abrogé et remplacé par ce qui suit :

**Ordonnance alimentaire**

(4) La partie qui obtient qu'il soit sursis à une ordonnance alimentaire obtient le certificat de sursis visé au paragraphe 63.03 (4) et le dépose sans délai au bureau du directeur du Bureau des obligations familiales.

3. Le paragraphe 69.19 (8) du Règlement est modifié par substitution de «directeur du Bureau des obligations familiales» à «directeur du Régime des obligations familiales envers la famille» à la fin du paragraphe.

4. L'alinéa 70.01 e) du Règlement est abrogé et remplacé par ce qui suit :

e) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

5. (1) Le paragraphe 70.10.1 (1) du Règlement est modifié par substitution de «*Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*» à «*Loi sur le Régime des obligations alimentaires envers la famille (formule 70A.1)*» à la fin du paragraphe.

(2) Le paragraphe 70.10.1 (3) du Règlement est modifié par substitution de «*Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*» à «*Loi sur le Régime des obligations alimentaires envers la famille*» à la fin du paragraphe.

(3) L'alinéa 70.10.1 (6) b) du Règlement est modifié par substitution de «directeur du Bureau des obligations familiales» à «directeur du Régime des obligations alimentaires envers la famille».

(4) L'alinéa 70.10.1 (6) d) du Règlement est abrogé et remplacé par ce qui suit :

d) dans le comté où réside la source de revenu, s'il s'agit d'une motion présentée en vertu du paragraphe 26 (2) ou (3) de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*.

(5) Le paragraphe 70.10.1 (7) du Règlement est abrogé et remplacé par ce qui suit :

**Saisie-arrêt pratiquée par le directeur**

(7) L'avis de saisie-arrêt délivré à la demande du directeur du Bureau des obligations familiales est rédigé selon la formule 70A.2 et les paragraphes 60.08 (11) à (19) (obligation du tiers saisi, paiement, contestation, exécution) s'appliquent, avec les adaptations nécessaires, comme si le directeur était un shérif.

6. Rule 70.11 of the Regulation is amended by striking out "or section 13 of the *Family Support Plan Act*" and substituting "or section 49 of the *Family Responsibility and Support Arrears Enforcement Act, 1996*".

7. Rule 71.03 of the Regulation is revoked and the following substituted:

#### APPEAL FROM FAMILY COURT

71.03 Rules 71.01 and 71.02 apply, with necessary modifications, to an appeal under section 69 or 156 of the Act from the Family Court to the Divisional Court.

8. FORM 70A.1 of the Regulation is revoked.

9. Form 70A.2 of the Regulation is amended,

- (a) by striking out "(DIRECTOR, FSPA)" in the title of the Form and substituting "(DIRECTOR, FRO)"; and
- (b) by striking out "Director of the Family Support Plan" wherever it occurs and substituting "Director of the Family Responsibility Office".

10. Form 70A.3 of the Regulation is amended,

- (a) by striking out "Family Support Plan Act" after "STATUTORY DECLARATION" at the top right and substituting "Family Responsibility and Support Enforcement Act, 1996";
- (b) by striking out "F.S.P. Case No. (if applicable)" in the box at the top right and substituting "F.R.O. Case No. (if applicable)"; and
- (c) by striking out "Director of the Family Support Plan" in paragraph 1 and substituting "Director of the Family Responsibility Office".

11. Form 70D of the Regulation is amended by striking out the address for the Reciprocity Office at the end and substituting the following:

Reciprocity Office  
P. O. Box 640  
Downsview Post Office  
Downsview, Ont M3M 3A3

12. This Regulation comes into force on July 1, 1998.

6. La règle 70.11 du Règlement est modifiée par substitution de «ou à l'article 49 de la *Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*» à «ou à l'article 13 de la *Loi sur le Régime des obligations alimentaires envers la famille*».

7. La règle 71.03 du Règlement est abrogée et remplacée par ce qui suit :

#### APPEL INTERJETÉ DE LA COUR DE LA FAMILLE

71.03 Les règles 71.01 et 71.02 s'appliquent, avec les adaptations nécessaires, aux appels interjetés, en application de l'article 69 ou 156 de la loi, de la Cour de la famille à la Cour divisionnaire.

8. La formule 70A.1 du Règlement est abrogée.

9. La formule 70A.2 du Règlement est modifiée :

- a) par substitution de «(DIRECTEUR, BOF)» à «(DIRECTEUR, ROAF)» dans le titre de la formule;
- b) par substitution de «directeur du Bureau des obligations familiales» à «directeur du Régime des obligations alimentaires envers la famille» partout où figure cette expression.

10. La formule 70A.3 du Règlement est modifiée :

- a) par substitution de «Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments» à «Loi sur le Régime des obligations alimentaires envers la famille» après «DÉCLARATION SOLENNELLE» dans le coin supérieur droit;
- b) par substitution de «N° de dossier du BOF (s'il y a lieu)» à «N° de dossier ROAF (si approprié)» dans la case située dans le coin supérieur droit;
- c) par substitution de «directeur du Bureau des obligations familiales» à «directeur du Régime des obligations alimentaires envers la famille» à la disposition 1.

11. La formule 70D du Règlement est modifiée par substitution de ce qui suit à l'adresse du Bureau des accords de réciprocité figurant à la fin de la formule :

Bureau des accords de réciprocité  
B.P. 640  
Bureau de poste de Downsview  
Downsview (Ontario) M3M 3A3

12. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

**ONTARIO REGULATION 293/98**  
made under the  
**COURTS OF JUSTICE ACT**

Made: June 3, 1998  
Approved: June 17, 1998  
Filed: June 18, 1998

Amending Reg. 199 of R.R.O. 1990  
(Rules of the Ontario Court (Provincial Division) in  
Family Law Proceedings)

**Note:** Since January 1, 1997, Regulation 199 has been amended by Ontario Regulations 428/97 and 216/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subrule 49.1 (1) of Regulation 199 of the Revised Regulations of Ontario, 1990 is amended by striking out "Family Support Plan Act (Form 15.1)" and substituting "Family Responsibility and Support Arrears Enforcement Act, 1996."**

**2. Subrule 79 (2) of the Regulation is revoked and the following substituted:**

(2) A statement of arrears under section 41 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 52.

**3. (1) Clause 80 (b) of the Regulation is amended by striking out "Director of the Family Support Plan" at the end and substituting "Director of the Family Responsibility Office".**

(2) Clause 80 (d) of the Regulation is amended by striking out "subsection 3.3 (18) of the *Family Support Plan Act*" and substituting "subsection 26 (2) or (3) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*".

**4. Rule 84 of the Regulation is revoked and the following substituted:**

**84.** A statutory declaration referred to in section 44 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 55.

**5. Rule 88 of the Regulation is revoked and the following substituted:**

**88.** A notice of garnishment issued by the clerk under section 50 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 61.

**6. Rule 97 of the Regulation is revoked and the following substituted:**

**97.** Where the clerk has issued a notice of garnishment at the request of the Director of the Family Responsibility Office, the garnishee shall make payments under it to the Director as if the Director were the clerk.

**7. Rule 102 of the Regulation is amended by striking out "subsection 11 (3) of 13 (1) (absconding payor) of the *Family Support Plan Act*" and substituting "subsection 41 (6) or 49 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*".**

**8. Rule 103 of the Regulation is revoked and the following substituted:**

**103. (1)** A notice of default issued by a clerk to a payor under subsection 41 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 67.

(2) A notice of default issued by a clerk to a payor under subsection 41 (2) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 67.1.

**9. (1)** The English version of Form 3 of the Regulation is amended by striking out "*Support and Custody Orders Enforcement Act*" at the end and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*".

(2) The French version of Form 3 of the Regulation is amended by striking out "*Loi sur l'exécution d'ordonnances alimentaires et de garde d'enfants*" at the end and substituting "*Loi de 1996 sur les obligations familiales et l'exécution des arriérés d'aliments*".

**10. Form 15.1 of the Regulation is revoked.**

**11. Form 50 of the Regulation is amended by striking out "*Family Support Plan Act*" in paragraph 6 and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*".**

**12. Form 55 of the Regulation is amended by,**

(a) by striking out "*Family Support Plan Act*" after "STATUTORY DECLARATION" at the top right and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*";

(b) by striking out "F.S.P. Case No. (if applicable)" in the box at the top right and substituting "F.R.O. Case No. (if applicable)"; and

(c) by striking out "Director of the Family Support Plan" in paragraph 1 and substituting "Director of the Family Responsibility Office".

**13. Form 56 of the Regulation is amended by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:**

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

**14. Form 59 of the Regulation is amended by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:**

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

**15. Form 60 of the Regulation is amended,**

(a) by striking out "Director of the Family Support Plan" wherever it occurs and substituting "Director of the Family Responsibility Office"; and

(b) by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

**16. Form 61 of the Regulation is amended by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:**

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

(b) by striking out "Director of the Family Support Plan" in paragraph 1 and substituting "Director of the Family Responsibility Office".

17. Form 65 of the Regulation is amended,

(a) by striking out "FSP Case No. (if applicable)" in the box at the top right and substituting "FRO Case No. (if applicable)"; and

18. Form 67 of the Regulation is amended by striking out "Director of the Family Support Plan" wherever it occurs and substituting "Director of the Family Responsibility Office".

19. The Regulation is amended by adding the following Form:

#### Form 67.1

Ontario Court  
(Provincial Division)

Notice of Default  
(Form 67.1 Family Rules)

.....  
Court File Number

at .....

.....  
address

#### Recipient

Full name

Address for service (street & number, municipality, postal code)

#### Payor

Full name

Address for service (street & number, municipality, postal code)

#### To the payor

The records of this court indicate that you are in default in the amount of

as of .....  
(date)

under the order of (court)

dated .....  
(date)

You are required to:

1. file the attached financial statement with the court at ..... within ten days after service on you of this notice
2. appear before this court to explain any default that may exist at the date of the hearing on

.....  
(date) at (time)

or as soon after that time as

the case can be heard, and on any other date as required by the court.

If you fail to appear as required by this notice, a warrant may be issued for your arrest.

If you fail to satisfy the court that there are not arrears or that you are unable to pay, you may be imprisoned for up to ninety days.

You may also be required to pay the costs of this proceeding.

.....  
Date

.....  
Clerk of the court

#### Formule 67.1

Cour de l'Ontario  
(Division provinciale)

Avis de défaut  
(Formule 67.1 Règles en droit de la famille)

.....  
N° de dossier de la cour :

à .....

.....  
adresse

#### Réциpiendaire

Nom et prénom(s)

Domicile élu (numéro et rue, municipalité, code postal)

#### Payeur

Nom et prénom(s)

Domicile élu (numéro et rue, municipalité, code postal)

#### À l'intention du payeur

Les dossiers de la cour indiquent un défaut de paiement égal à

au .....  
(date)

en contravention de l'ordonnance de (nom de la cour)

datée du .....  
(date)

- Il vous est enjoint de :
- déposer l'état financier ci-annexé auprès de la cour à ..... dans les dix jours de la signification qui vous est faite du présent avis.
  - vous présenter devant le tribunal pour expliquer les motifs du défaut à la date de votre comparution le ..... at ..... (date) (heures) ou après cette date, dès que la cause pourra être entendue.

Si vous faites défaut de comparaître, conformément au present avis, un mandat d'arrestation peut être décerné contre vous.

Si vous n'établissez pas à la satisfaction du tribunal qu'il n'y a pas d'arriéré ou que vous êtes dans l'impossibilité de payer, vous pouvez être incarcéré pour une période maximale de quatre-vingt-dix jours.

Vous pouvez aussi être requis d'acquitter les frais de l'instance.

.....

Date

.....

Greffier de la cour

20. This Regulation comes into force on July 1, 1998.

27/98

ONTARIO REGULATION 294/98  
made under the  
COURTS OF JUSTICE ACT

Made: June 3, 1998  
Approved: June 17, 1998  
Filed: June 18, 1998

Amending Reg. 202 of R.R.O. 1990  
(Family Court Rules)

Note: Since January 1, 1997, Regulation 202 has been amended by Ontario Regulations 429/97 and 215/98. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Clause 12.1 (2) (b) of Regulation 202 of the Revised Regulations of Ontario, 1990 is amended by striking out "Director of the Family Support Plan" and substituting "Director of the Family Responsibility Office".

(2) Clause 12.1 (2) (d) of the Regulation is amended by striking out "subsection 3.3 (18) of the *Family Support Plan Act* and substituting "subsection 26 (2) or (3) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*."

2. Subrule 35 (4) of the Regulation is revoked and the following substituted:

(4) Subrules (1) and (2) do not apply to a support deduction order or suspension order under the *Family Responsibility and Support Arrears Enforcement Act, 1996*.

3. Subrule 59 (1) of the Regulation is amended by striking out "*Family Support Plan Act (Form 16.1)*" in the third line and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*."

4. Subrule 111 (2) of the Regulation is revoked and the following substituted:

(2) A statement of arrears under section 41 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 65.

5. Rule 115 of the Regulation is revoked and the following substituted:

115. A statutory declaration referred to in section 44 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 68.

6. Rule 119 of the Regulation is revoked and the following substituted:

119. A notice of garnishment issued by the clerk under section 50 of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 74.

7. Rule 127 of the Regulation is revoked and the following substituted:

127. Where the clerk has issued a notice of garnishment at the request of the Director of the Family Responsibility Office, the garnishee shall make payments under it to the Director as if the Director were the clerk.

8. Rule 132 of the Regulation is amended by striking out "subsection 11 (3) or 13 (1) (absconding payor) of the *Family Support Plan Act*" and substituting "subsection 41 (6) or 49 (1) (absconding payor) of the *Family Responsibility and Support Arrears Enforcement Act, 1996*."

9. Rule 133 of the Regulation is revoked and the following substituted:



133. (1) A notice of default issued by a clerk to a payor under subsection 41 (1) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 80.

(2) A notice of default issued by a clerk to a payor under subsection 41 (2) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* shall be in Form 80.1.

10. Form 1 of the Regulation is amended by striking out both signature and date lines at the end and substituting the following signature line:

.....  
Signature of person acknowledging service

11. Form 6 of the Regulation is amended by striking out the last paragraph under the heading "Grounds" and the heading "Support and Custody Orders Enforcement Act", the text that follows it and the heading "Rules of the Unified Family Court" and substituting the following:

The person is a payor who has failed to file a financial statement or to appear as required by a notice under subsection 41 (1) or (2) of the *Family Responsibility and Support Arrears Enforcement Act, 1996* or, under subsection 49 (1) of that Act, the court is satisfied that the payor is about to leave Ontario and that there are reasonable grounds for believing that the payor intends to evade his or her obligations under the support order

#### Family Responsibility and Support Arrears Enforcement Act, 1996

41. (6) Where the payor fails to file the financial statement or to appear as the notice under subsection (1) or (2) requires, the court may issue a warrant for the payor's arrest for the purpose of bringing him or her before the court.

49. (1) The Ontario Court (Provincial Division) or the Family Court may issue a warrant for a payor's arrest for the purpose of bringing him or her before the court if the court is satisfied that the payor is about to leave Ontario and that there are reasonable grounds for believing that the payor intends to evade his or her obligations under the support order.

#### Rules of the Family Court

12. Form 9 of the Regulation is amended,

- (a) by striking out "Family Allowance" in the second box of the left hand column and substituting "Child Tax Benefit"; and
- (b) by striking out "O.H.I.P." in the left hand column.

13. Form 11 of the Regulation is amended,

- (a) by striking out "or as soon thereafter as the motion can be heard" before the paragraph beginning "If you dispute the claims made in the Application" and substituting "or as soon thereafter as the matter can be heard"; and
- (b) by striking out "15 days", "20 days" and "25 days" in clauses (a), (b) and (c) respectively and substituting in each case "30 days", "40 days" and "60 days".

14. Form 16.1 of the Regulation is revoked.

15. Form 63 of the Regulation is amended by striking out "*Family Support Plan Act*" in paragraph 6 and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*."

16. Form 68 of the Regulation is amended,

- (a) by striking out "*Family Support Plan Act*" after "STATUTORY DECLARATION" at the top right and substituting "*Family Responsibility and Support Arrears Enforcement Act, 1996*";
- (b) by striking out "F.S.P. Case No. (if applicable)" in the box at the top right and substituting "F.R.O. case No. (if applicable)"; and
- (c) by striking out "Director of the Family Support Plan" in paragraph 1 and substituting "Director of the Family Responsibility Office".

17. Form 72 of the Regulation is amended by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

18. Form 73 of the Regulation is amended,

- (a) by striking out "Director of the Family Support Plan" wherever it occurs and substituting "Director of the Family Responsibility Office"; and
- (b) by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

19. Form 74 of the Regulation is amended by striking out the first sentence of the second paragraph after the heading "TO ALL PARTIES" and substituting the following:

The *Creditors' Relief Act* states that support or maintenance orders have priority over other judgment debts to the full extent of the arrears, regardless of when an enforcement process is issued or served.

20. Form 78 of the Regulation is amended,

- (a) by striking out "F.S.P. Case No. (if applicable)" in the box at the top right and substituting "F.R.O. case No. (if applicable)"; and
- (b) by striking out "Director of the Family Support Plan" in paragraph 1 and substituting "Director of the Family Responsibility Office".

21. Form 80 of the Regulation is amended by striking out "Director of the Family Support Plan" wherever it occurs and substituting "Director of the Family Responsibility Office".

22. The Regulation is amended by adding the following Form:

## Form 80.1

**Family Court  
(General Division)**

**Notice of Default  
(Form 80.1 Family Rules)**

.....  
Court File Number

at .....

.....  
address

**Recipient**

Full name
Address for service (street & number, municipality, postal code)

**Payor**

Full name
Address for service (street & number, municipality, postal code)

**To the payor**

The records of this court indicate that you are in default in the amount of

as of .....  
(date)

under the order of (court)

dated .....  
(date)

You are required to:

1. file the attached financial statement with the court at ..... within ten days after service on you of this notice
2. appear before this court to explain any default that may exist at the date of the hearing on

..... at .....  
(date) (time)

or as soon after that time as the case can be heard, and on any other date as required by the court.

**If you fail to appear as required by this notice, a warrant may be issued for your arrest.**

**If you fail to satisfy the court that there are not arrears or that you are unable to pay, you may be imprisoned for up to ninety days.**

You may also be required to pay the costs of this proceeding.

.....  
Date

.....  
Clerk of the court

**23. This Regulation comes into force on July 1, 1998.**

**ONTARIO REGULATION 295/98**  
made under the  
**CORPORATIONS TAX ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 329/97  
(Co-operative Education Tax Credit)

**Note:** Ontario Regulation 329/97 has not previously been amended.

**1. (1) Subsection 1 (1) of Ontario Regulation 329/97 is amended by adding the following definition:**

"approved field of study" means, in respect of a qualifying leading edge technology education program, a field of study that, in the opinion of the Minister of Finance, leads to a knowledge-based, high value-added activity that contributes to economic growth by improving Ontario's competitive position in the global economy or by creating new jobs or export activities and,

(a) that involves applied or theoretical research for the advancement of scientific knowledge, but does not include,

(i) market research or sales promotion,

(ii) quality control or routine testing of materials, devices, products or processes,

(iii) research in the social sciences or humanities,

(iv) prospecting, exploring or drilling for or producing minerals, petroleum or natural gas,

(v) style changes, or

(vi) routine data collection, or

(b) requires the development or application of technology and technological processes and,

(i) promotes continuous innovation, improvement or advancement with the goal of leading to new or improved products or services, or

(ii) develops more efficient and effective use of time and resources to improve the way things are done.

**(2) Paragraph 4 of the definition of "qualifying co-operative education program" in subsection 1 (1) of the Regulation is revoked and the following substituted:**

4. The program or course of study provides credit towards a post-secondary degree, diploma or certificate granted by an eligible educational institution in respect of qualifying co-operative education programs.

**(3) Subsection 1 (1) of the Regulation is amended by adding the following definition:**

"qualifying leading edge technology education program" means an educational program, course of study or apprentice training program that meets the following requirements:

1. The program or course of study is, in the opinion of the Minister of Education and Training or a person or persons designated by that Minister, in an approved field of study.

2. The program or course of study, if it is not an apprentice training program, provides credit towards a post-secondary degree, diploma or certificate granted by an eligible educational institution in respect of qualifying leading edge technology education programs.

3. The program, if it is an apprentice training program, is approved by the Director of Apprenticeship under the *Trades Qualification and Apprenticeship Act* and, on completion, qualifies the apprentice to receive the appropriate certificate under that Act.

4. If the program or course of study is a general arts and science or business program or course of study, the eligible educational institution has advised the Ministry of Education and Training that it has reviewed the courses taken by the student and determined that the student,

i. is meeting the requirements for a degree with a principal or joint concentration in a program that, in the opinion of the Minister of Education and Training or a person or persons designated by the Minister, is in an approved field of study for the student's year of study, and

ii. has completed at least two full-year courses or equivalents in programs that were in approved fields of study.

**(2) Subsection 1 (2) of the Regulation is revoked and the following substituted:**

(2) A qualifying co-operative education program or a qualifying leading edge technology program is a qualified educational program for the purposes of subsection 43.4 (4) of the Act.

**(3) Subsection 1 (2) of the Regulation, as it read on December 31, 1997, continues to apply in respect of work placements commencing before January 1, 1998.**

**2. Section 2 of the Regulation is revoked and the following substituted:**

2. (1) The following institutions are eligible educational institutions in respect of qualifying co-operative education programs for the purposes of section 43.4 of the Act and this Regulation:

1. A university or college of applied arts and technology in Ontario, whose enrolment is counted for the purposes of calculating annual operating grants entitlements from the Government of Ontario.

2. The Michener Institute of Applied Health Sciences.

3. The Ontario College of Art and Design.

(2) The institutions referred to in paragraphs 1 and 2 of subsection (1) and vocational schools registered under the *Private Vocational Schools Act* are eligible educational institutions in respect of qualifying leading edge technology education programs for the purposes of section 43.4 of the Act and this Regulation.

(3) The Ministry of Education and Training shall be deemed to be an institution that is an eligible educational institution in respect of an apprentice training program that is a qualifying leading edge technology education program for the purposes of section 43.4 of the Act and this Regulation.

**3. (1) Subsection 3 (1) of the Regulation is revoked and the following substituted:**

(1) Subject to subsections 43.4 (5.1) and (5.2) of the Act, for the purposes of section 43.4 of the Act and this Regulation a qualifying work placement is either a qualifying co-op work placement or a qualifying leading edge technology work placement.

(1.1) A qualifying co-op work placement is a work placement in which a student of an eligible educational institution in respect of qualifying co-operative education programs performs employment duties for a corporation under a qualifying co-operative education program offered by the institution, if the following conditions are satisfied:

1. The work placement has been developed or approved by the institution as a suitable learning situation.
2. The terms of the work placement require the student to engage in productive work during the placement, not just to observe the work of others.
3. The work placement is for a period of,
  - i. not less than 10 consecutive weeks, if the placement is under a qualifying co-operative education program that is a program referred to in subparagraph i of paragraph 2 of the definition of "qualifying co-operative education program" in subsection 1 (1), or
  - ii. not less than eight consecutive months and not more than 16 consecutive months, if the placement is under an internship program described in subparagraph ii of paragraph 2 of the definition of "qualifying co-operative education program" in subsection 1 (1).
4. The student is entitled to receive remuneration for work performed during the work placement.
5. The terms of the work placement require the corporation to supervise and evaluate the job performance of the student during the placement.
6. The institution monitors the student's progress in the work placement.

(1.2) A qualifying leading edge technology work placement is a work placement commencing after December 31, 1997 in which a student enrolled in a qualifying leading edge technology education program of an eligible educational institution in respect of qualifying leading edge technology education programs performs employment duties for a corporation, if the following conditions are satisfied:

1. In the case of a work placement that is not under an apprentice training program,
  - i. the work placement is completed before the student's final academic term of the program,
  - ii. the corporation gives the Minister and the institution in the manner required by the Minister a detailed job description of the work to be performed and the responsibilities to be assumed by the student during the work placement,
  - iii. the majority of the job functions to be performed by the student during the work placement provide training or work experience that is directly related to and reinforces the learning experience of the student in the program in which the student is enrolled, and the institution certifies this in the manner required by the Minister, and
  - iv. the student certifies in the manner required by the Minister that he or she is enrolled in the program and employed by the corporation.

2. In the case of a work placement that is under an apprentice training program, the corporation and student are participating in a registered training program under the *Trades Qualification and Apprenticeship Act*.
3. The terms of the work placement require the student to engage in productive work during the placement, not just to observe the work of others.
4. Subject to subsections (2.1) and (2.2), the work placement is for a period of not less than 10 consecutive weeks, with an average of 24 hours of employment each week.
5. The student is entitled to receive remuneration for work performed during the work placement and has actually performed the work and assumed the responsibilities required under the terms of the work placement.

(2) Subsection 3 (2) of the Regulation is amended by striking out "qualifying co-op work placement" wherever it appears and substituting in each case "qualifying work placement".

(3) Section 3 of the Regulation is amended by adding the following subsections:

(2.1) Despite subsection (2), if the term of a qualifying leading edge technology work placement plus all previous qualifying leading edge technology work placements of the student that are with the same corporation, or deemed under subsection (4) to be with the same corporation, exceed 16 months, only the portion, if any, of the work placement that brings the total time to 16 months, even if less than 10 consecutive weeks, will be considered to be a qualifying leading edge technology work placement for the purposes of the Act.

(2.2) A qualifying leading edge technology work placement that is under an apprentice training program ends on the earlier of the date on which it would otherwise end and the date on which the student receives the appropriate certificate under the *Trades Qualification and Apprenticeship Act*.

(4) Subsections 3 (3) and (4) of the Regulation are revoked and the following substituted:

(3) Despite subsections (1) to (1.2), a work placement is not a qualifying work placement for the purposes of section 43.4 of the Act or this Regulation if the work placement is not certified in accordance with subsection 43.4 (4) of the Act.

(4) Subject to subsections (2) and (2.1), consecutive work placements with two or more associated corporations shall be deemed to be one continuous work placement with only one of the corporations, as designated by the corporations.

(5) Subsection 3 (4) of the Regulation, as it read on December 31, 1997, continues to apply in respect of a consecutive work placement with one of two or more related corporations if the work placement commenced before January 1, 1998.

4. (1) Subsection 4 (1) of the Regulation is amended,

(a) by striking out "qualifying co-op work placement" wherever it appears and substituting in each case "qualifying work placement"; and

(b) by striking out paragraph 3.

(2) Subsection 4 (2) of the Regulation is revoked and the following substituted:

(2) The total of all eligible expenditures made by a corporation in respect of a qualifying work placement is the amount otherwise determined less the amount of all government assistance, if any, in respect of the eligible expenditures that, at the time the corporation's return is required to be delivered under section 75 of the Act for the taxation year for which the tax credit is claimed, the corporation has received, is entitled to receive or may reasonably be expected to be entitled to receive.

(3) Subsection 4 (4) of the Regulation is revoked and the following substituted:

(4) For the purposes of section 43.4 of the Act and this section, if a qualifying work placement is deemed by subsection 3 (4) to be a work placement with only one of two or more corporations,

(a) the corporation designated under subsection 3 (4) shall be deemed to have paid all amounts referred to in paragraphs 1 and 2 of subsection (1) that were paid by the corporations, and the other corporations shall be deemed not to have paid those amounts; and

(b) the corporation designated under subsection 3 (4) shall be deemed to have received or be entitled to receive all government assistance in respect of the work placement that any of the other corporations has received, is entitled to receive or may reasonably be expected to be entitled to receive, and the other corporations shall be deemed not to have received or be entitled to receive that government assistance.

(4.1) The amount of salaries and wages deemed to have been paid by a corporation in a previous taxation year for the purposes of subsection 43.4 (3.1) of the Act is the amount that would otherwise be determined for that year if,

(a) the rules set out in subsection 87 (1.2) of the *Income Tax Act* (Canada) and subsection 87 (1.4) of that Act applied; and

(b) no amount is included in respect of salaries and wages paid by any partnership of which the corporation was a member.

(4) The definition of "government assistance" in subsection 4 (5) of the Regulation is amended by adding the following paragraphs:

6. An Ontario book publishing tax credit under section 43.7 of the Act.

7. An Ontario computer animation and special effects tax credit under section 43.8 of the Act.

8. An Ontario business-research institute tax credit under section 43.9 of the Act.

5. (1) Subject to subsection (2), this Regulation shall be deemed to have come into force on January 1, 1998.

(2) Subsection 4 (4) of this Regulation shall be deemed to have come into force on May 7, 1997.

# ONTARIO REGULATION 296/98

made under the  
INCOME TAX ACT

Made: June 17, 1998

Filed: June 19, 1998

Amending O. Reg. 330/97  
(Co-operative Education Tax Credit)

Note: Ontario Regulation 330/97 has not previously been amended.

1. (1) Section 1 of Ontario Regulation 330/97 is amended by adding the following definition:

"approved field of study" means, in respect of a qualifying leading edge technology education program, a field of study that, in the opinion of the Minister of Finance, leads to a knowledge-based, high value-added activity that contributes to economic growth by improving Ontario's competitive position in the global economy or by creating new jobs or export activities and,

(a) that involves applied or theoretical research for the advancement of scientific knowledge, but does not include,

(i) market research or sales promotion,

(ii) quality control or routine testing of materials, devices, products or processes,

(iii) research in the social sciences or humanities,

(iv) prospecting, exploring or drilling for or producing minerals, petroleum or natural gas,

(v) style changes, or

(vi) routine data collection, or

(b) requires the development or application of technology and technological processes and,

(i) promotes continuous innovation, improvement or advancement with the goal of leading to new or improved products or services, or

(ii) develops more efficient and effective use of time and resources to improve the way things are done.

(2) Paragraph 4 of the definition of "qualifying co-operative education program" in section 1 of the Regulation is revoked and the following substituted:

4. The program or course of study provides credit towards a post-secondary degree, diploma or certificate granted by an eligible educational institution in respect of qualifying co-operative education programs.

(3) Section 1 of the Regulation is amended by adding the following definition:

"qualifying leading edge technology education program" means an educational program, course of study or apprentice training program that meets the following requirements:

1. The program or course of study is, in the opinion of the Minister of Education and Training or a person or persons designated by that Minister, in an approved field of study.

2. The program or course of study, if it is not an apprentice training program, provides credit towards a post-secondary degree.

diploma or certificate granted by an eligible educational institution in respect of qualifying leading edge technology education programs.

3. The program, if it is an apprentice training program, is approved by the Director of Apprenticeship under the *Trades Qualification and Apprenticeship Act* and, on completion, qualifies the apprentice to receive the appropriate certificate under that Act.

4. If the program or course of study is a general arts and science or business program or course of study, the eligible educational institution has advised the Ministry of Education and Training that it has reviewed the courses taken by the student and determined that the student,

i. is meeting the requirements for a degree with a principal or joint concentration in a program that, in the opinion of the Minister of Education and Training or a person or persons designated by the Minister, is in an approved field of study for the student's year of study, and

ii. has completed at least two full-year courses or equivalents in programs that were in approved fields of study.

**2. Section 2 of the Regulation is revoked and the following substituted:**

(1) The following institutions are eligible educational institutions in respect of qualifying co-operative education programs for the purposes of this Regulation:

1. A university or college of applied arts and technology in Ontario, whose enrolment is counted for the purposes of calculating annual operating grants entitlements from the Government of Ontario.

2. The Michener Institute of Applied Health Sciences.

3. The Ontario College of Art and Design.

(2) The institutions referred to in paragraphs 1 and 2 of subsection (1) and vocational schools registered under the *Private Vocational Schools Act* are eligible educational institutions in respect of qualifying leading edge technology education programs for the purposes of this Regulation.

(3) The Ministry of Education and Training shall be deemed to be an institution that is an eligible educational institution in respect of an apprentice training program that is a qualifying leading edge technology education program for the purposes of this Regulation.

**3. Section 3 of the Regulation is amended by inserting "and section 8.2" after "subsection 8 (15)" in the first line.**

**4. (1) Subsection 4 (1) of the Regulation is revoked and the following substituted:**

#### QUALIFYING WORK PLACEMENT

(1) For the purposes of section 8.2 of the Act and this Regulation a qualifying work placement is either a qualifying co-op work placement or a qualifying leading edge technology work placement.

(1.1) A qualifying co-op work placement is a work placement in which a student of an eligible educational institution in respect of qualifying co-operative education programs performs employment duties for an eligible employer under a qualifying co-operative education program offered by the institution, if the following conditions are satisfied:

1. The work placement has been developed or approved by the institution as a suitable learning situation.

2. The terms of the work placement require the student to engage in productive work during the placement, not just to observe the work of others.

3. The work placement is for a period of,

i. not less than 10 consecutive weeks, if the placement is under a qualifying co-operative education program that is program referred to in subparagraph i of paragraph 2 of the definition of "qualifying co-operative education program" in section 1, or

ii. not less than eight consecutive months and not more than 16 consecutive months, if the placement is under an internship program described in subparagraph ii of paragraph 2 of the definition of "qualifying co-operative education program" in section 1.

4. The student is entitled to receive remuneration for work performed during the work placement.

5. The terms of the work placement require the eligible employer to supervise and evaluate the job performance of the student during the placement.

6. The institution monitors the student's progress in the work placement.

(1.2) A qualifying leading edge technology work placement is a work placement commencing after December 31, 1997 in which a student enrolled in a qualifying leading edge technology education program of an eligible educational institution in respect of qualifying leading edge technology education programs performs employment duties for an eligible employer, if the following conditions are satisfied:

1. In the case of a work placement that is not under an apprentice training program,

i. the work placement is completed before the student's final academic term of the program,

ii. the eligible employer gives the Minister and the institution in the manner required by the Minister a detailed job description of the work to be performed and the responsibilities to be assumed by the student during the work placement,

iii. the majority of the job functions to be performed by the student during the work placement provide training or work experience that is directly related to and reinforces the learning experience of the student in the program in which the student is enrolled, and the institution certifies this in the manner required by the Minister, and

iv. the student certifies in the manner required by the Minister that he or she is enrolled in the program and employed by the eligible employer.

2. In the case of a work placement that is under an apprentice training program, the eligible employer and student are participating in a registered training program under the *Trades Qualification and Apprenticeship Act*.

3. The terms of the work placement require the student to engage in productive work during the placement, not just to observe the work of others.

4. Subject to subsections (2.1) and (2.2), the work placement is for a period of not less than 10 consecutive weeks, with an average of 24 hours of employment each week.



5. The student is entitled to receive remuneration for work performed during the work placement and has actually performed the work and assumed the responsibilities required under the terms of the work placement.

(2) Subsection 4 (2) of the Regulation is amended by striking out "qualifying co-op work placement" wherever it appears and substituting in each case "qualifying work placement".

(3) Section 4 of the Regulation is amended by adding the following subsections:

(2.1) Despite subsection (2), if the term of a qualifying leading edge technology work placement plus all previous qualifying leading edge technology work placements of the student that are with the same eligible employer exceed 16 months, only the portion, if any, of the work placement that brings the total time to 16 months, even if less than 10 consecutive weeks, will be considered to be a qualifying leading edge technology work placement for the purposes of the Act.

(2.2) A qualifying leading edge technology work placement that is under an apprentice training program ends on the earlier of the date on which it would otherwise end and the date on which the student receives the appropriate certificate under the *Trades Qualification and Apprenticeship Act*.

(4) Subsections 4 (3) to (5) of the Regulation are revoked and the following substituted:

(3) Every eligible educational institution in Ontario that has a qualifying co-operative education program or a qualifying leading edge technology education program shall certify in a manner or form approved by the Provincial Minister to every eligible employer providing a qualifying work placement under the program that the placement is a qualifying work placement for the purposes of section 8.2 of the Act and this Regulation, and the certification shall contain the name of the student in the placement and any additional information required by the Provincial Minister.

(4) Despite subsections (1) to (1.2), a work placement is not a qualifying work placement for the purposes of section 8.2 of the Act or this Regulation if,

- (a) the work placement is not certified in accordance with subsection (3); or
- (b) the Provincial Minister orders that the work placement or all work placements of the eligible educational institution be deemed not to be qualifying work placements for the purposes of section 8.2 of the Act on the grounds that the eligible educational institution has given incorrect certifications under subsection (3) or has certified a work placement to be a qualifying work placement when it was not.

(5) If the Provincial Minister is satisfied that an eligible educational institution will comply with the Provincial Minister's directions with respect to the accuracy, form and content of certifications to be given under subsection (3), the Provincial Minister, subject to any conditions the Provincial Minister considers reasonable, may revoke an order made under clause (4) (b), and all work placements that would have otherwise been qualifying work placements while the Provincial Minister's order was in effect shall, to the extent approved by the Provincial Minister, be considered to be qualifying work placements for the purposes of section 8.2 of the Act and this Regulation and may be so certified by the educational institution.

5. (1) Subsection 5 (1) of the Regulation is amended,

- (a) by striking out "subsection 8 (15)" in the first line and substituting "section 8.2";

- (b) by striking out "qualifying co-op work placement" wherever it appears and substituting in each case "qualifying work placement"; and

- (c) by striking out paragraph 3.

(2) Subsection 5 (2) of the Regulation is revoked and the following substituted:

(2) The total of all eligible expenditures made by an eligible employer in respect of a qualifying work placement is the amount otherwise determined less the amount of all government assistance, if any, in respect of the eligible expenditures that, at the time the eligible employer's return is required to be delivered under section 9 of the Act for the taxation year for which the tax credit is claimed, the eligible employer has received, is entitled to receive or may reasonably be expected to be entitled to receive.

(3) Subsection 5 (3) of the Regulation is amended by striking out "subsection 8 (15)" in the third line and substituting "section 8.2".

(4) Section 5 of the Regulation is amended by adding the following subsection:

(3.1) The amount of salary or wages paid or deemed to have been paid by an eligible employer in a taxation year for the purposes of section 8.2 of the Act and this Regulation is the amount that would be determined for that year without reference to any salary or wages paid by a partnership of which the employer is a partner.

(5) The definition of "government assistance" in subsection 5 (4) of the Regulation is revoked.

6. Section 6 of the Regulation is revoked and the following substituted:

6. A co-operative education tax credit may be deducted under subsection 8 (15) of the Act only after deducting any other amount required by the Act to be deducted first.

7. This Regulation shall be deemed to have come into force on January 1, 1998.

27/98

## ONTARIO REGULATION 297/98 made under the INCOME TAX ACT

Made: June 17, 1998  
Filed: June 19, 1998

### GRADUATE TRANSITIONS TAX CREDIT

1. (1) The amount of salary or wages deemed to have been paid by an eligible employer in a taxation year for the purposes of subsection 8.1 (2) of the Act is the amount that would be determined for that year without reference to any salary or wages paid by a partnership of which the employer is a partner.

(2) For the purposes of subsection 8.1 (7) of the Act, a prescribed program of study is an educational program or course of study that meets the requirements of subsection (3) or an apprentice training program that meets the requirements of subsection (4).

(3) An educational program or course of study meets the requirements of this subsection if,

- (a) the program or course of study qualifies the student to receive a post-secondary degree, diploma or certificate, other than a

certificate of completion issued for individual courses, studies in continuing education or personal interest or leisure activity courses; and

(b) the program or course of study is provided by,

(i) a university or college of applied arts and technology in Ontario, whose enrollment is counted for the purposes of calculating annual operating grants entitlements from the Government of Ontario,

(ii) the Michener Institute of Applied Health Sciences,

(iii) the Ontario College of Art and Design, or

(iv) a vocational school registered under the *Private Vocational Schools Act*.

(4) An apprentice training program meets the requirements of this subsection if it is approved by the Director of Apprenticeship under the *Trades Qualification and Apprenticeship Act*.

(5) For the purposes of subsection 8.1 (7), an employee is considered to have completed all requirements to qualify for graduation from an apprentice training program when he or she receives the appropriate certificate under the *Trades Qualification and Apprenticeship Act*.

(6) For the purposes of subclause 8.1 (7) (b) (ii) of the Act, an employee is considered to be employed by a person more than 15 hours in a week if,

(a) the employee is a student enrolled in a prescribed program of study and would be considered by the educational institution offering the program to be a full-time student of the institution during a period that includes the week; or

(b) the employee accepted an offer of employment before or during the week and the terms of the offer require the employee to start work during or after the end of the week and to work an average of more than 24 hours a week, irrespective of whether the employee works for the person who makes the offer of employment.

**2. This Regulation shall be deemed to have come into force on May 7, 1997.**

27/98

**ONTARIO REGULATION 298/98**  
made under the  
**CORPORATIONS TAX ACT**

Made: June 17, 1998

Filed: June 19, 1998

Amending Reg. 183 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 183 has been amended by Ontario Regulation 306/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 183 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:**

**ONTARIO NEW TECHNOLOGY TAX INCENTIVE**

203. (1) In this section,

"Class 12" means Class 12 of Schedule II to the Federal Regulations;

"eligible cost" means, in respect of a qualifying intellectual property of a taxpayer, the total of all amounts included in the capital cost of the property that were incurred by the taxpayer after August 31, 1997 and,

(a) that are included in the amount of the undepreciated capital cost of the property, if the property is included by the taxpayer for the purposes of the Federal Act in Class 14 or 44 of Schedule II to the Federal Regulations, or

(b) that are included by the taxpayer in computing its eligible capital expenditures for the purposes of the Federal Act;

"Federal Act" means the *Income Tax Act* (Canada);

"Federal Regulations" means the regulations made under the Federal Act;

"intellectual property transfer" means a transaction in which a taxpayer acquires intellectual property that is knowledge in the form of know-how, techniques, processes or formulas from a person not related to the taxpayer, if the taxpayer acquires the property primarily for the purpose of implementing in Ontario an innovation or invention in a business of the taxpayer that is carried on in Ontario;

"qualifying intellectual property" means, in respect of a taxpayer, a Canadian or foreign patent, know-how, a commercial secret or other similar property constituting knowledge, including a licence or permit in respect of the property, but does not include,

(a) a trade mark, industrial design, copyright or other similar property constituting the expression of knowledge, or

(b) a property acquired or used primarily to earn rents, royalties or similar payments from the leasing or licencing of the property;

"taxpayer" means a corporation or a partnership other than a limited partnership.

(2) For the purposes of the Act, a taxpayer may include the eligible cost of a qualifying intellectual property in the capital cost of a depreciable property of Class 12, but not Class 14 or 44 of Schedule II to the Federal Regulations,

(a) if the property is acquired after August 31, 1997 by the taxpayer in an intellectual property transfer carried out under the terms of a contract that was entered into by the taxpayer after May 6, 1997;

(b) if the property is first used by the taxpayer in carrying on the taxpayer's business within a reasonable time following acquisition and continues to be used during the entire period of time in which the innovation or invention for which the property was acquired is used in carrying on the taxpayer's business; and

(c) if the cost of the property is included by the taxpayer, for the purposes of the Federal Act,

(i) in Class 14 or 44 of Schedule II to the Federal Regulations, or

(ii) in computing its eligible capital expenditures for purposes of that Act.

(3) A separate class is prescribed in respect of each qualifying intellectual property whose undepreciated capital cost is included in Class 12 under this section.

(4) Despite subsection (2), the total of all amounts included in a taxation year by a taxpayer in the capital cost of depreciable properties



whose undepreciated capital cost is included in Class 12 under this section shall not exceed the taxpayer's expenditure limit for that year.

(5) If a taxpayer's expenditure limit for a year is less than the amount that would otherwise be added to the undepreciated capital cost in respect of a qualifying intellectual property whose undepreciated capital cost is included in Class 12 under this section, the amount of the difference may be included in the same Class to Schedule II to the Federal Regulations or in the taxpayer's eligible capital expenditures for the purposes of the Act, as applicable, depending on the treatment by the taxpayer of the cost of the property for the purposes of the Federal Act.

(6) A taxpayer's expenditure limit for a taxation year is \$20 million if the taxpayer is not associated at any time in the year with any other taxpayer.

(7) If a taxpayer is associated in a taxation year with another taxpayer, the taxpayer's expenditure limit is determined in accordance with the following rules:

1. If all of the taxpayers that are associated with each other in the taxation year have filed with the Minister an agreement in a form acceptable to the Minister under which, for the purposes of this section, they allocate an amount to one or more of them for the taxation year, and the total of all amounts allocated to one or more of them does not exceed \$20 million, the expenditure limit for the year of each taxpayer shall be, subject to paragraph 4 and subsections (8) and (9), the amount allocated to it.
2. If the Minister notifies in writing any of the taxpayers that are associated with each other in a taxation year that an agreement referred to in paragraph 1 is required to be filed and no agreement is filed within 30 days after the notification is sent by the Minister,
  - i. the Minister may, for the purposes of this section, allocate an amount to each of the taxpayers, and the total of all amounts allocated by the Minister to the taxpayers shall not exceed \$20 million, and
  - ii. except as otherwise provided in paragraph 4 or subsection (8) or (9), the expenditure limit for the year of each of the taxpayers is the amount allocated by the Minister to it.
3. If no agreement referred to in paragraph 1 is filed by the taxpayers with the Minister, and the Minister does not make an allocation under paragraph 2, the expenditure limit of each of the taxpayers for the taxation year shall be deemed to be nil.
4. If a taxpayer (in this paragraph referred to as the "first taxpayer") has more than one taxation year ending in the same calendar year and it is associated in two or more of those taxation years with another taxpayer that has a taxation year ending in that calendar year, the expenditure limit of the first taxpayer for each taxation year that ends in the calendar year, that is a taxation year in which it is associated with the other taxpayer and that is a taxation year that ends after its first taxation year ending in that calendar year, shall not exceed an amount equal to the lesser of,
  - i. its expenditure limit as otherwise determined under paragraph 1, 2 or 3 for its first taxation year ending in the calendar year, multiplied by the ratio of the number of days in the taxation year to 365, and
  - ii. its expenditure limit as otherwise determined under paragraph 1, 2 or 3 for the particular taxation year ending in the calendar year, multiplied by the ratio of the number of days in the taxation year to 365.

(8) Despite subsections (6) and (7), if a taxpayer has a taxation year that is less than 51 weeks and paragraph 4 of subsection (7) does not apply, the taxpayer's expenditure limit for the taxation year shall be the amount otherwise determined under this section, before the application of the rule in subsection (9) if it applies, multiplied by the ratio of the number of days in the taxation year to 365.

(9) Despite subsections (6) and (7), if a taxpayer's taxation year commences before May 7 1997, its expenditure limit for the taxation year shall not exceed the amount otherwise determined under this section, multiplied by the ratio of the number of days in the year ending after May 6, 1997 to the total days in the taxation year.

(10) Taxpayers shall be deemed to be associated with each other in a taxation year for the purposes of determining their expenditure limits for the year if on the application of the following rules they would be associated in the taxation year under section 256 of the Federal Act:

1. A partnership shall be deemed to be a corporation having only one class of issued shares which have full voting rights under all circumstances, and each member of the partnership shall be deemed to own the proportion of the number of issued shares of the capital stock of the corporation as that member's proportionate share of the income or loss of the partnership.
2. Two partnerships shall be deemed to be associated if each member of one partnership is a member of the other partnership or is related to at least one member of the other partnership.
3. A taxpayer that is deemed to be associated with another taxpayer shall be deemed to be associated with every corporation and partnership that is deemed to be associated with the other taxpayer.

(11) The rules in subsection 13 (26) of the Federal Act and in subsection 1100 (2) of the Federal Regulations do not apply in respect of property whose undepreciated capital cost is included in Class 12 under this section.

(12) For the purposes of subsection 13.1 (1) of the Act, a prescribed depreciable property in respect of a taxpayer is a qualifying intellectual property of the taxpayer whose undepreciated capital cost is included in Class 12 under this section that is used by the taxpayer exclusively in Ontario to implement the innovation or invention for which the property was acquired.

(13) A property whose undepreciated capital cost is included in Class 12 under this section, or is included in Class 12 by operation of subsection 1102 (14) of the Federal Regulations and was included in Class 12 under this section by a prior taxpayer, is a depreciable property of a prescribed class for the purposes of section 11.1 of the Act.

(14) A property whose undepreciated capital cost was included in Class 12 under this section by a partnership and was transferred to a corporation that did not deal at arm's length with the partnership at the time of the transfer shall be deemed to be depreciable property of a prescribed class of the corporation for the purposes of section 11.1 of the Act.

(15) Subject to section 80 of the Act, a property acquired by a taxpayer shall be deemed for the purposes of this section never to have been a qualifying intellectual property and the total of all amounts deductible for any taxation year by the taxpayer, by a partner of the taxpayer (if the taxpayer is a partnership) or by a person related to the taxpayer, as capital cost allowance or as a deduction under section 13.1 of the Act shall not exceed the maximum amount that would have been deductible if the property had never been qualifying intellectual property if,

- (a) the property has not been used by the taxpayer or by the related person (if the property was transferred to the related person) to

implement in Ontario the innovation or invention for which the property was acquired by the taxpayer; or

- (b) the property has been used by the taxpayer or by the related person (if the property was transferred to the related person) primarily to earn rents, royalties or similar payments from the leasing or licencing of the property.

**2. The Regulation is amended by adding the following section:**

ALLOCATION OF TAXABLE PAID-UP CAPITAL  
OF LIFE INSURANCE CORPORATIONS

**331.** (1) For the purpose of clauses 74.1 (2) (d) and 74.1 (3) (c) of the Act, the proportion of the amount referred to in those clauses for a taxation year ending after April 30, 1992 that is deemed to have been used by the life insurance corporation in Canada but not in Ontario is the same proportion as the proportion of the taxable income of the corporation for the taxation year that is deemed to have been earned in jurisdictions other than Ontario under the rules prescribed in subsection 303 (2).

(2) In the application of the rules prescribed in subsection 303 (2) for the purposes of subsection (1), if a life insurance corporation has no permanent establishment in a particular province or territory of Canada in a taxation year, a net premium that would otherwise be allocated to that province or territory shall be allocated to the province or territory in which the permanent establishment of the corporation to which the net premium is reasonably attributable is situated.

**3. The Regulation is amended by adding the following Part:**

**PART VII  
CAPITAL TAX**

**701.** (1) The following amounts are prescribed for the purposes of clause 61 (1) (d) of the Act as amounts that are not included in the paid-up capital of a corporation for a taxation year ending after May 19, 1993:

1. Interest owing by the corporation that has accrued for a period of 365 days or less but is not payable at the end of the taxation year, other than interest payable on a loan that has been capitalized and included by the corporation in the principal amount of the loan under the terms of the loan agreement.
2. Interest that is due and payable by the corporation to a related person that has been due and payable for less than 120 days at the end of the taxation year.
3. Interest that is due and payable by the corporation to a person who is not related to the corporation that has been due and payable for less than 365 days at the end of the taxation year.
4. An amount of indebtedness of the corporation in respect of a lease that would not be required to be included in the capital of the corporation under subsection 181.2 (3) of the *Income Tax Act* (Canada) if the corporation were subject to tax under Part 1.3 of that Act.
5. An amount that is recorded in the corporation's books and records of account as a deferred revenue item, or as a deferred credit item, that would not be required to be included in the capital of the corporation under subsection 181.2 (3) of the *Income Tax Act* (Canada) if the corporation were subject to tax under Part 1.3 of that Act.
6. An amount that is recorded in the corporation's books and records of account as a deferred revenue item that is a deposit paid to the corporation for goods to be delivered or services to be

rendered by the corporation, if the payor paid the amount to the corporation as an expenditure that was not made on the payor's capital account.

7. The amount of dividends declared by the corporation during the taxation year that remain unpaid and owing at the end of the year.

(2) Subsection (1) does not require the inclusion in a corporation's paid-up capital for a taxation year under clause 61 (1) (d) of the Act of any amount required to be included and included in its paid-up capital under another provision of the Act.

(3) Subsection (1) does not permit the exclusion of an amount from a corporation's paid-up capital that is otherwise required to be included in its paid-up capital or "any other surplus" for a taxation year under a provision of the Act other than clause 61 (1) (d).

**4. The Regulation is amended by adding the following sections:**

**702.** For the purposes of Part III of the Act, a corporation's taxation year ending on the same day as the taxation year of another corporation shall be considered to be the last taxation year of the corporation ending before the end of the other corporation's taxation year, if the other corporation's taxation year commences after May 6, 1997.

**703.** (1) For the purposes of clause 58 (2) (f) of the Act, the following central credit unions and leagues are prescribed:

1. Credit Union Central of Ontario Limited.
2. La fédération des caisses populaires de l'Ontario Inc.
3. L'alliance des caisses populaires de l'Ontario limitée.

(2) The following corporations are prescribed as financial institutions for the purpose of clause 58 (2) (g) of the Act:

1. A corporation all or substantially all of the assets of which are shares or indebtedness of financial institutions or insurance corporations that are related to the corporation.
2. Avco Financial Services Canada Limited.
3. Avco Financial Services Realty Limited.
4. Avco Financial Services Quebec Limited.
5. Beneficial Canada Inc.
6. Beneficial Realty Ltd.
7. GE Capital Canada Limited.
8. GE Capital Canada Retailer Financial Services Company.

**704.** For purposes of subsection 62.1 (8) of the Act, the percentage of a financial institution's taxable paid-up capital that is not deemed to be used by it in a taxation year in a jurisdiction other than Canada shall be determined under sections 319 to 322 and, in the application of those sections, the references to "Ontario" shall be read as "Canada."

**5. The Regulation is amended by adding the following Part:**

**PART IX  
REFUNDABLE TAX CREDITS**

**901.** (1) For the purposes of section 43.6 of the Act, a prescribed program of study is an educational program or course of study that meets the requirements of subsection (2) or an apprentice training program that meets the requirements of subsection (3).

(2) An educational program or course of study meets the requirements of this subsection if,

(a) the program or course of study qualifies the student to receive a post-secondary degree, diploma or certificate, other than a certificate of completion issued for individual courses, studies in continuing education or personal interest or leisure activity courses; and

(b) the program or course of study is provided by,

(i) a university or college of applied arts and technology in Ontario, whose enrollment is counted for the purposes of calculating annual operating grants entitlements from the Government of Ontario,

(ii) the Michener Institute of Applied Health Sciences,

(iii) the Ontario College of Art and Design, or

(iv) a vocational school registered under the *Private Vocational Schools Act*.

(3) An apprentice training program meets the requirements of this subsection if it is approved by the Director of Apprenticeship under the *Trades Qualification and Apprenticeship Act*.

(4) For the purposes of subsection 43.6 (10), an employee is considered to have completed all requirements to qualify for graduation from an apprentice training program when he or she receives the appropriate certificate under the *Trades Qualification and Apprenticeship Act*.

(5) The amount of salaries and wages deemed to have been paid by a corporation in a previous taxation year for the purposes of subsection 43.6 (4) of the Act is the amount that would otherwise be determined for that year on the basis that,

(a) the rules set out in subsection 87 (1.2) of the *Income Tax Act* (Canada) and subsection 87 (1.4) of that Act applied; and

(b) no amount is included in respect of salaries and wages paid by any partnership of which the corporation was a member.

(6) For the purposes of subclause 43.6 (10) (b) (ii) of the Act, an employee is considered to be employed by a person more than 15 hours in a week if,

(a) the employee is a student enrolled in a prescribed program of study and would be considered by the educational institution offering the program to be a full-time student of the institution during a period that includes the week; or

(b) the employee accepted an offer of employment before or during the week and the terms of the offer require the employee to start work during or after the end of the week and to work an average of more than 24 hours a week, irrespective of whether the employee works for the person who makes the offer of employment.

**902.** For the purposes of paragraph 6 of subsection 43.7 (12) of the Act, a literary work is an ineligible publication if it is one of the following:

1. A publication that is a translation of a previously published literary work.

2. A publication that is a calendar, agenda, almanac, colouring book or comic.

3. A publication that is an instructional book or other printed material that forms part of a children's product which is primarily a toy or play kit.

4. A publication that is a university or college dissertation, a conference paper or report, a government report or a catalogue of exhibitions.

5. A publication that is an instruction book or manual (such as a computer manual, guidebook, arts and crafts book, recipe book or musical performance method book).

6. A publication containing primarily maps.

7. A publication that is used primarily as learning material (such as a workbook, kit, activity manual or educational game).

8. A publication that is primarily a reference book (such as a directory, index compilation, compilation of statutes, rule book or bibliography).

9. A publication that is primarily musical notation.

10. A publication that is a combination of any of the publications described in paragraphs 1 to 9.

11. A publication the identity of whose author or authors is unknown to the publisher of the publication.

12. A publication whose pages are typewritten, individually photocopied, mimeographed or handwritten.

13. If two or more literary works by the same author are in the same eligible category and are published under the same publishing contract as separate publications, any publication published under the contract after the first publication.

14. A publication in respect of which the publisher is not eligible to claim a tax credit by reason of subsection 43.7 (13) of the Act.

**903.** Despite subsection 43.7 (12) of the Act and section 902, a publication that would otherwise be an eligible publication for the purposes of section 43.7 of the Act is an ineligible publication for the purposes of paragraph 6 of subsection 43.7 (12) of the Act if,

(a) the publication is capable of inciting hatred against an identifiable group, including a section of the public distinguished by colour, race, religion, sex, sexual orientation or ethnic origin;

(b) the dominant characteristic of the publication is the undue exploitation of sex or of sex and one or more of crime, horror, cruelty or violence; or

(c) public financial support for the publication would be contrary to public policy.

**6. (1)** Subject to subsections (2) and (3), this Regulation shall be deemed to have come into force on May 7, 1997.

**(2)** Section 3 shall be deemed to have come into force on May 1, 1992.

**(3)** Section 4 shall be deemed to have come into force on May 20, 1993.

**ONTARIO REGULATION 299/98**  
made under the  
**CORPORATIONS TAX ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 318/97  
(Small Business Investment Tax Credit For Banks)

Note: Ontario Regulation 318/97 has not previously been amended.

**1. (1) The definition of "associated group" in subsection 1 (1) of Ontario Regulation 318/97 is revoked.**

**(2) Subsection 1 (1) of the Regulation is amended by adding the following definition:**

"deposit-taking institution" means a financial institution that is a deposit-taking institution for the purposes of section 66.1 of the Act.

**(3) The definition of "qualifying obligation" in subsection 1 (1) of the Act is amended,**

**(a) by striking out "and before January 1, 2000" in the second line; and**

**(b) by striking out clause (c) and substituting the following:**

(c) the obligation, whether as a result of its terms or as a result of security provided by the corporation, is not subordinate in right of repayment to all other debt obligations of the corporation, other than the payment of obligations owing to a shareholder of the corporation or obligations each of which is a qualifying obligation that,

(i) if the obligation was issued before May 7, 1997, was issued to a bank or a specified corporation in which a bank had an ownership interest at the time the obligation was issued, or

(ii) if the obligation was issued after May 6, 1997, was issued to a deposit-taking institution, an insurance corporation that was related to a deposit-taking institution when the obligation was issued, or to a specified corporation that was related to a deposit-taking institution when the obligation was issued.

**(4) The definition of "qualifying share" in subsection 1 (1) of the Regulation is amended by striking out "and before January 1, 2000" in the first and second lines.**

**(5) Subsection 1 (4) of the Regulation is amended by striking out the portion before paragraph 1 and substituting the following:**

(4) For the purposes of section 66.1 of the Act and this Regulation, an associated group, in respect of a corporation or qualifying small business, includes the corporation or qualifying small business and all corporations and qualifying small businesses that are associated with it under section 256 of the *Income Tax Act* (Canada) or would be associated with it under that section on the application of the following rules:

**(6) Paragraphs 3 and 4 of subsection 1 (4) of the Regulation are revoked and the following substituted:**

3. Two partnerships shall be deemed to be associated if each member of one partnership is related to each member of the other partnership.

**(7) Section 1 of the Regulation is amended by adding the following subsections:**

**(6) For the purposes of section 66.1 of the Act,**

(a) the amount of the total assets of an associated group measured immediately before an investment is made is the aggregate of the total assets of each member of the group determined as of the end of the last fiscal period of the member ending before the investment is made; and

(b) the amount of the gross revenue of an associated group measured immediately before an investment is made is the aggregate amount of gross revenue of each member of the group determined for the last fiscal period of the member ending before the investment is made.

**(7) If the fiscal period referred to in clause (6) (b) of a member of the associated group is less than 365 days, the amount of the gross revenue of that member for that fiscal period shall be deemed to be the amount otherwise determined multiplied by the ratio of 365 to the number of days in the fiscal period.**

**2. (1) Subsection 2 (2) of the Regulation is amended by striking out "a bank or specified corporation" in the first line and substituting "a deposit-taking institution, an insurance corporation related to a deposit-taking institution or a specified corporation".**

**(2) Subsection 2 (3) of the Regulation is revoked and the following substituted:**

(3) Despite subsections (1) and (2), if one or more corporations, each of which is a deposit-taking institution or a corporation related to a deposit-taking institution, makes a series of two or more eligible investments in the same qualifying small business corporation or qualifying small business, or in two or more corporations or businesses in the same associated group, and if it is reasonable to consider that the series of investments was made instead of one or more larger investments in order that one or more financial institutions obtain a benefit under section 66.1 of the Act, or a benefit in a greater amount than otherwise would be available, the series of investments shall be deemed to be one single investment.

**3. Section 3 of the Regulation is revoked and the following substituted:**

#### BELOW-PRIME LOAN

3. (1) For the purposes of subsection 66.1 (4.3) of the Act, the average outstanding balance during a taxation year of a below-prime loan owed to a corporation that is a financial institution, an insurance corporation or a specified corporation is determined using the average outstanding balances of the loan determined daily for each day in the corporation's taxation year, weekly for each week in the corporation's taxation year or monthly for each month in the corporation's taxation year and, if the taxation year is less than 365 days, the amount otherwise determined shall be multiplied by the ratio of the number of days in the taxation year to 365.

(2) For the purposes of subsection 66.1 (4.10) of the Act, "average bank prime rate" means the "average prime rate" as defined in subsection 503 (1) of Regulation 183 of the Revised Regulations of Ontario, 1990 ("General") made under the *Corporations Tax Act*.

(3) The following are prescribed businesses for the purposes of paragraph 3 of subsection 66.1 (4.10) of the Act:

1. The business of a person or partnership engaged in the professional practice of accounting, law, dentistry or medicine.
2. A business that provides managerial, administrative, financial maintenance or other similar services to one or more businesses listed in paragraph 1.

**4. Section 4 of the Regulation is revoked.****5. The heading preceding section 5 of the Regulation is revoked and the following substituted:****PATIENT CAPITAL INVESTMENT****6. (1) Subsection 5 (1) of the Regulation is amended by striking out "clause 66.1 (7) (b)" in the first line and substituting "66.1 (4.14) (a)".****(2) Subsection 5 (2) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(2) For the purposes of determining the amount of a financial institution's small business investment tax credit account under subsection 66.1 (4) of the Act, a loan made after May 6, 1997 to a qualifying small business by the financial institution, if it is a deposit-taking institution, or by a corporation that was related to the financial institution when the investment was made and that was a specified corporation, an insurance corporation or a deposit-taking institution, is a patient capital investment, except as otherwise provided in section 6, unless,

**(3) Subsections 5 (3) and (4) of the Regulation are revoked and the following substituted:**

(3) Despite subsection (2), a loan to a qualifying sole proprietor is not a patient capital investment unless the qualifying sole proprietor,

(a) gives the lender financial statements covering the operations of the business carried on by the qualifying sole proprietor for the 12 months ending at the end of its last fiscal period, or for the period during which the proprietor carried on the business if less than 12 months before the end of its last fiscal period; and

(b) gives the lender an undertaking supported by reasonable evidence that,

(i) the amount of the investment will be used by the qualifying sole proprietor for the purposes only of gaining or producing income from the business, and

(ii) the qualifying sole proprietor will keep the amount of the loan, all property acquired with the proceeds of the loan and all other assets used primarily in the business separate from his or her assets that are not used in the business.

(4) The financial statements required by clause (3) (a) shall include,

(a) a balance sheet prepared as of a date not earlier than the end of the sole proprietor's last fiscal period; and

(b) an income statement for the period of time described in clause (3) (a).

**7. (1) Subsection 6 (1) of the Regulation is amended by striking out the portion before clause (a) and substituting the following:**

(1) For the purposes of paragraph 5 of subsection 66.1 (4.10) and clause 66.1 (4.14) (b) of the Act, an investment made in a qualifying small business corporation or in a qualifying small business is used by the corporation or business for a prescribed purpose or in a prescribed manner if any part of the investment is used,

**(2) Clause 6 (3) (a) of the Regulation is revoked and the following substituted:**

(a) fees and other amounts normally charged by a financial institution to its customers for providing services in the ordinary course of the institution's business; or

**8. Section 7 of the Regulation is revoked.****9. Section 9 of the Regulation is revoked and the following substituted:**

9. For the purposes of clause 66.1 (8) (a) of the Act, the type of corporation prescribed is a corporation that would be referred to in any paragraph in subsection 468 (1) of the *Bank Act* (Canada) if the references to "bank" in that subsection and in the definitions in subsection 464 (1) of that Act were read as "financial institution".

**10. Section 10 of the Regulation is revoked and the following substituted:****DISPOSITION OF PATIENT CAPITAL INVESTMENT**

10. (1) For the purposes of clause 66.1 (4) (c) of the Act, each of the following events in relation to a patient capital investment constitutes a disposition of that investment, unless a disposition of the investment has previously occurred and, as a result of the previous disposition, an amount in respect of the investment has been included under clause 66.1 (4) (c) of the Act in the calculation of the small business investment tax credit account of the financial institution that deducted a tax credit in respect of the investment under section 66.1 (2) of the Act:

1. A change in the terms or conditions of the investment which causes it to cease to be a patient capital investment.
2. The repayment of more than 5 per cent of the principal amount of the investment in any of the first five years after the investment was issued.
3. The redemption, acquisition or cancellation of the investment by the qualifying small business corporation or by a person related to the qualifying small business corporation.
4. The substitution of a property that is not a patient capital investment for the investment.
5. The sale or transfer of the investment,
  - i. within one year after its date of issue if the sale or transfer is to a person who is not associated with the corporation that made the investment, or
  - ii. within five years after its date of issue if the investment does not continue to be a patient capital investment immediately after the sale or transfer.

(2) Despite subsection (1), the following events do not constitute a disposition of a patient capital investment:

1. The acquisition by the holder of the patient capital investment of a property that is a patient capital investment in the qualifying small business corporation or qualifying small business, as the case may be, in substitution for the patient capital investment in the same corporation or business, if the new patient capital investment is the only consideration received or receivable in respect of the substitution.
2. A repayment, redemption, acquisition or cancellation that occurs subsequent to, and can reasonably be considered to be a consequence of, the qualifying small business corporation or qualifying small business, as the case may be,
  - i. becoming bankrupt, or

- ii. committing a default under the agreement or instrument under which the investment was issued, if the default occurred at least four months before the repayment, redemption, acquisition or cancellation, was a consequence of the inability of the corporation or small business to pay its liabilities as they came due and has not been remedied.

3. A repayment, redemption, cancellation, acquisition, substitution, sale or transfer that is carried out at the request of the qualifying small business corporation or qualifying small business in which the investment was made, if the holder of the investment has not directly or indirectly required the corporation or business to make the request.

4. An event described in subsection (1) that occurs more than five years after the date of issue of the patient capital investment or that occurs at a time when the holder of the investment is a person other than,

- i. the financial institution that was entitled to claim a tax credit under section 66.1 of the Act in respect of the investment, or
- ii. a corporation related to the financial institution.

(3) If a financial institution that was entitled to claim and did claim a tax credit under section 66.1 of the Act in respect of a patient capital investment made by another corporation ceases to be related to that other corporation, the patient capital investment held by the other corporation when the financial institution and the corporation cease to be related shall be deemed to have been disposed of immediately before the financial institution and the corporation cease to be related unless,

- (a) the financial institution and corporation cease to be related more than one year after the date of issue of the patient capital investment and the investment continues to be a patient capital investment immediately after they ceased to be related; or
- (b) there has been a previous disposition of the patient capital investment for the purposes of section 66.1 of the Act and an amount in respect of the previous disposition of the investment has been included under clause 66.1 (4) (c) of the Act in the calculation of the small business investment tax credit account of the financial institution that claimed the tax credit under subsection 66.1 (2) of the Act in respect of the investment.

(4) An amount shall be included under clause 66.1 (4) (c) of the Act in determining the amount of a financial institution's small business investment tax credit account in respect of the disposition of a patient capital investment if the financial institution was entitled to make and made a deduction under subsection 66.1 (2) of the Act in respect of the investment.

(5) The amount referred to in subsection (4) in respect of the disposition of a patient capital investment is the amount determined using the formula,

$$A = B \times C / D$$

in which,

"A" is the amount determined in respect of the disposition of the investment,

"B" is the amount equal to the lesser of the fair market value of the investment at the time of its disposition and the amount of consideration for which the investment was originally issued,

"C" is the tax credit amount in respect of the investment at the time the investment was made, and

"D" is the amount of consideration for which the investment was originally issued.

# **11. Section 12 of the Regulation is revoked and the following substituted:**

12. (1) An investment made after May 6, 1997 by a deposit-taking institution, or by a corporation that when the investment is made is related to a deposit-taking institution and is an insurance corporation or a specified corporation, is an eligible investment for the purposes of section 66.1 of the Act if it satisfies the following conditions:

- 1. The investment is a patient capital investment made in a small business investment fund that deals at arm's length with the deposit-taking institution, insurance corporation or specified corporation.
- 2. The investment would be a patient capital investment if it had been issued by a qualifying small business corporation.
- 3. The small business investment fund reinvests all or part of the amount of the investment in investments in qualifying small business corporations or qualifying small businesses. The investments in qualifying small business corporations or qualifying small businesses must be,

- i. patient capital investments, or
- ii. below-prime loans,

that would be eligible investments if issued directly to the deposit-taking institution, insurance corporation or specified corporation.

- 4. The small business investment fund certifies the amount of the investment by the deposit-taking institution, insurance corporation or specified corporation that has been reinvested by the fund as required in paragraph 3 and certifies the date of the reinvestments.

(2) For the purposes of section 66.1 of the Act, other than clause 66.1 (4) (c), if the conditions described in subsection (1) are satisfied, the deposit-taking institution, insurance corporation or specified corporation is considered,

- (a) to have made the eligible investment in the qualifying small business corporation or qualifying small business that was made by the small business investment fund; and
- (b) to have made the eligible investment referred to in clause (a) on the date the small business investment fund made the reinvestment.

(3) The tax credit amount of an eligible investment referred to in subsection (2) shall be deemed to be the tax credit amount that would be determined under section 66.1 of the Act if the deposit-taking institution, insurance corporation or specified corporation had made the investment in the qualifying small business corporation or qualifying small business.

# **12. Subsection 13 (1) of the Regulation is amended by striking out "bank" in the fourth line and substituting "financial institution".**

# **13. Section 14 of the Regulation is revoked and the following substituted:**

14. (1) Section 10 applies with necessary modifications in respect of a disposition of an investment in a small business investment fund that was made by a deposit-taking institution, or by a corporation that when the investment was made was related to a deposit-taking institution and was an insurance corporation or specified corporation.

(2) For the purposes of subsection (1), in the formula set out in subsection 10 (4),



"A" is the amount determined in respect of the disposition of the investment,

"B" is the amount equal to the lesser of the fair market value of the investment at the time of its disposition and the amount of consideration for which the investment was originally issued,

"C" is the total of all tax credit amounts in respect of eligible investments made by the small business investment fund that have been included or are required to be included in calculating the amount determined in respect of a financial institution under clause 66.1 (4) (a) of the Act for that period, and

"D" is the total amount of consideration for which eligible investments made by the small business investment fund were issued to the extent that,

(a) the fund has reinvested investments made in the fund by the deposit-taking institution, insurance corporation or specified corporation in eligible investments in qualifying small business corporations or qualifying small businesses, and

(b) amounts in respect of the reinvestments have been included or are required to be included in the amounts determined in respect of the financial institution under clause 66.1 (4) (a) of the Act.

14. This Regulation shall be deemed to have come into force on May 7, 1997.

27/98

**ONTARIO REGULATION 300/98**  
made under the  
**FINANCIAL SERVICES COMMISSION**  
**OF ONTARIO ACT, 1997**

Made: June 17, 1998

Filed: June 19, 1998

**ASSESSMENT OF EXPENSES AND**  
**EXPENDITURES—INSURANCE SECTOR**

1. (1) In this Regulation,

"assessment period" means the period of time with respect to which the Lieutenant Governor in Council makes an assessment under section 25 of the Act;

"insurance sector" means the persons referred to in clause (c) of the definition of "regulated sector" in section 1 of the Act;

"property and casualty insurance" means insurance other than accident, sickness or life insurance.

(2) Words and expressions defined in section 1 of the *Insurance Act* have the same meaning in this Regulation.

(3) For the purpose of this Regulation,

(a) an insurer's direct premiums for a class of insurance in a year are the premiums paid to the insurer in the year for that class of insurance, other than premiums for that class of insurance paid to the insurer in the year under agreements for reinsurance; and

(b) an insurer's net premiums for a class of insurance in a year are the premiums paid to the insurer in the year for that class of

insurance, including premiums for that class of insurance paid to the insurer in the year under agreements for reinsurance, less premiums for that class of insurance paid by the insurer in the year under agreements for reinsurance.

(4) For the purposes of this Regulation, an evaluation was not commenced through the Ontario Insurance Commission or the Financial Services Commission of Ontario if it was conducted by a private neutral evaluator.

2. Subject to section 3, an insurer's share of an assessment of the insurance sector under section 25 of the Act shall be determined in accordance with the following rules:

1. Calculate the total amount to be used in determining shares of the assessment according to the following formula:

$$A = B - C$$

where,

A = the total amount to be used in determining shares of the assessment,

B = the total of all expenses incurred and expenditures made by the Ontario Insurance Commission in the conduct of its affairs during the period from April 1, 1997 to March 31, 1998,

C = the total of all expenses incurred and expenditures made by the Ontario Insurance Commission in the conduct of its affairs during the period from April 1, 1998 to June 30, 1998.

2. Calculate the expenses incurred and expenditures made in respect of automobile insurance, according to the following formula:

$$D = E + F + (G \times 0.85) + \frac{H}{2}$$

where,

D = the expenses incurred and expenditures made in respect of automobile insurance,

E = the expenses incurred and expenditures made by the Financial Services Commission of Ontario during the assessment period for automobile insurance dispute resolution activity,

F = the expenses incurred and expenditures made by the Financial Services Commission of Ontario during the assessment period for the Commission's Accident Benefits Analysis Unit,

G = the expenses incurred and expenditures made by the Financial Services Commission of Ontario during the assessment period for the Commission's Rates, Classifications and Actuarial Services Branch,

H = the expenses incurred and expenditures made by the Financial Services Commission of Ontario during the assessment period for the Commission's Office of the Insurance Ombudsman.

3. Calculate the total assessment for evaluations under section 280.1 of the *Insurance Act*, in accordance with the following formula:

$$I = J \times 1,000$$

where,

- I = the total assessment for evaluations under section 280.1 of the *Insurance Act*,  
 J = the total number of evaluations commenced through the Financial Services Commission of Ontario under section 280.1 of the *Insurance Act* that were commenced during the assessment period.

4. Calculate the total assessment for arbitrations under section 282 of the *Insurance Act*, in accordance with the following formula:

$$K = (L \times 2,000) + (M \times 3,000)$$

where,

- K = the total assessment for arbitrations under section 282 of the *Insurance Act*,  
 L = the total number of arbitrations commenced under section 282 of the *Insurance Act* during the assessment period in respect of which an evaluation was commenced through the Ontario Insurance Commission or the Financial Services Commission of Ontario under section 280.1 of that Act before the issues in dispute were referred to an arbitrator,  
 M = the total number of arbitrations commenced under section 282 of the *Insurance Act* during the assessment period in respect of which an evaluation was not commenced through the Ontario Insurance Commission or the Financial Services Commission of Ontario under section 280.1 of that Act before the issues in dispute were referred to an arbitrator.

5. Calculate the total assessment for appeals under section 283 of the *Insurance Act*, in accordance with the following formula:

$$N = P \times 500$$

where,

- N = the total assessment for appeals under section 283 of the *Insurance Act*,  
 P = the total number of appeals commenced under section 283 of the *Insurance Act* during the assessment period.

6. Calculate the total assessment for applications under section 284 of the *Insurance Act*, in accordance with the following formula:

$$Q = R \times 500$$

where,

- Q = the total assessment for applications under section 284 of the *Insurance Act*,  
 R = the total number of applications commenced under section 284 of the *Insurance Act* during the assessment period.

7. Calculate the insurer's automobile insurance share of the assessment, accordance to the following formula:

$$S = \frac{T}{U} \times (D - I - K - N - Q)$$

where,

- S = the insurer's automobile insurance share of the assessment,  
 T = the insurer's direct premiums for automobile insurance in Ontario in the year beginning on the January 1 immediately preceding the beginning of the assessment period,  
 D = the expenses incurred and expenditures made in respect of automobile insurance, calculated under rule 2,  
 I = the total assessment for evaluations under section 280.1 of the *Insurance Act*, calculated under rule 3,  
 K = the total assessment for arbitrations under section 282 of the *Insurance Act*, calculated under rule 4,  
 N = the total assessment for appeals under section 283 of the *Insurance Act*, calculated under rule 5,  
 Q = the total assessment for applications under section 284 of the *Insurance Act*, calculated under rule 6,  
 U = the total, for all insurers licensed for automobile insurance during the assessment period, of all direct premiums for automobile insurance in the year beginning on the January 1 immediately preceding the beginning of the assessment period.

8. Calculate the amount to be recovered with respect to activities other than automobile insurance, according to the following formula:

$$V = A - D - W$$

where,

- V = the amount to be recovered with respect to activities other than automobile insurance,  
 A = the total amount to be used in determining shares of the assessment, calculated under rule 1,  
 D = the expenses incurred and expenditures made in respect of automobile insurance, calculated under rule 2,  
 W = the total revenue collected during the assessment period by the Financial Services Commission of Ontario and the Minister of Finance under the *Insurance Act* and the *Prepaid Hospital and Medical Services Act*, other than taxes paid under section 391 of the *Insurance Act* and assessments paid under section 14.1 of the *Insurance Act*.

9. If the insurer is licensed for property and casualty insurance during the assessment period, calculate the property and casualty insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, according to the following formula:

$$X = \frac{(0.7 \times V) - (0.0004 \times Y)}{Y + Z}$$



where,

X = the property and casualty insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions,

V = the amount to be recovered with respect to activities other than automobile insurance, calculated under rule 8,

Y = the total, for all insurers incorporated or organized under the laws of Ontario that are licensed for property and casualty insurance during the assessment period, of all net premiums for property and casualty insurance in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

Z = the total, for all insurers incorporated or organized under the laws of foreign jurisdictions that are licensed for property and casualty insurance during the assessment period, of all net premiums for property and casualty insurance in the year beginning on the January 1 immediately preceding the beginning of the assessment period.

10. If the insurer is incorporated or organized under the laws of a foreign jurisdiction and is licensed for property and casualty insurance during the assessment period, calculate the insurer's property and casualty insurance share of the assessment according to the following formula:

$$AA = BB \times X$$

where,

AA = the insurer's property and casualty insurance share of the assessment,

BB = the insurer's net premium for property and casualty insurance in Ontario in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

X = the property and casualty insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, calculated under rule 9.

11. If the insurer is incorporated or organized under the laws of Ontario and is licensed for property and casualty insurance during the assessment period, calculate the insurer's property and casualty insurance share of the assessment according to the following formula:

$$CC = DD \times (X + 0.0004)$$

where,

CC = the insurer's property and casualty insurance share of the assessment,

DD = the insurer's net premiums for property and casualty insurance in Ontario in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

X = the property and casualty insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, calculated under rule 9.

12. If the insurer is licensed for accident, sickness or life insurance during the assessment period, calculate the accident, sickness and life insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, according to the following formula:

$$EE = \frac{(0.3 \times V) - (0.0004 \times FF)}{FF + GG}$$

where,

EE = the accident, sickness and life insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions,

V = the amount to be recovered with respect to activities other than automobile insurance, calculated under rule 8,

FF = the total, for all insurers incorporated or organized under the laws of Ontario that are licensed for accident, sickness or life insurance during the assessment period, of all net premiums for accident, sickness and life insurance in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

GG = the total, for all insurers incorporated or organized under the laws of foreign jurisdictions that are licensed for accident, sickness or life insurance during the assessment period, of all net premiums for accident, sickness and life insurance in the year beginning on the January 1 immediately preceding the beginning of the assessment period.

13. If the insurer is incorporated or organized under the laws of a foreign jurisdiction and is licensed for accident, sickness or life insurance during the assessment period, calculate the insurer's accident, sickness and life insurance share of the assessment according to the following formula:

$$HH = II \times EE$$

where,

HH = the insurer's accident, sickness and life insurance share of the assessment,

II = the insurer's net premiums for accident, sickness and life insurance in Ontario in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

EE = the accident, sickness and life insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, calculated under rule 12.

14. If the insurer is incorporated or organized under the laws of Ontario and is licensed for accident, sickness or life insurance during the assessment period, calculate the insurer's accident, sickness and life insurance share of the assessment according to the following formula:

$$JJ = KK \times (EE + 0.0004)$$

where,

JJ = the insurer's accident, sickness and life insurance share of the assessment,

KK = the insurer's net premiums for accident, sickness and life insurance in Ontario in the year beginning on the January 1 immediately preceding the beginning of the assessment period,

EE = the accident, sickness and life insurer assessment rate for insurers incorporated or organized under the laws of foreign jurisdictions, calculated under rule 12.

15. Calculate the sum of the following amounts that apply to the insurer:

i. The insurer's automobile insurance share of the assessment, calculated under rule 7.

ii. The insurer's property and casualty insurance share of the assessment, calculated under rule 10 or 11.

iii. The insurer's accident, sickness and life insurance share of the assessment, calculated under rule 13 or 14.

16. The insurer's share of the assessment under section 25 of the Act is equal to the greater of the amount calculated under rule 15 and,

i. \$1,000, if the insurer's is not a fraternal society, or

ii. \$100, if the insurer is a fraternal society.

3. An insurer's share of an assessment calculated under section 2 shall be increased by,

(a) \$1,000 for each evaluation to which the insurer is a party that is commenced through the Financial Services Commission of Ontario under section 280.1 of the *Insurance Act* during the assessment period;

(b) \$2,000 for each arbitration to which the insurer is a party that is commenced under section 282 of the *Insurance Act* during the assessment period, if an evaluation was commenced through the Ontario Insurance Commission or the Financial Services Commission of Ontario under section 280.1 of that Act before the issues in dispute were referred to the arbitrator;

(c) \$3,000 for each arbitration to which the insurer is a party that is commenced under section 282 of the *Insurance Act* during the assessment period, if an evaluation was not commenced through the Ontario Insurance Commission or the Financial Services Commission of Ontario under section 280.1 of that Act before the issues in dispute were referred to the arbitrator;

(d) \$500 for each appeal to which the insurer is a party that is commenced under section 283 of the *Insurance Act* during the assessment period; and

(e) \$500 for each application to which the insurer is a party that is commenced under section 284 of the *Insurance Act* during the assessment period.

4. This Regulation comes into force on July 1, 1998.

27/98

# ONTARIO REGULATION 301/98 made under the INSURANCE ACT

Made: June 17, 1998

Filed: June 19, 1998

Amending Reg. 664 of R.R.O. 1990  
(Automobile Insurance)

Note: Regulation 664 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Paragraph 3 of subsection 15.1 (2) of Regulation 664 of the Revised Regulations of Ontario, 1990 is amended by striking out "Ontario Insurance Commission" in the third line and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

2. Sections 11, 13 and 14 of the Regulation are revoked.

3. (1) Subsection 3 (3) of the Schedule to the Regulation is amended by striking out "Ontario Insurance Commission" in the third and fourth lines and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

(2) Subsection 3.1 (2) of the Schedule to the Regulation is amended by striking out "Ontario Insurance Commission" in the third and fourth lines and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

4. This Regulation comes into force on July 1, 1998.

27/98

# ONTARIO REGULATION 302/98 made under the INSURANCE ACT

Made: June 17, 1998

Filed: June 19, 1998

Revoking O. Reg. 220/91  
(Assessment of Commission Expenses and Expenditures)

1. Ontario Regulations 220/91, 231/92, 571/94 and 107/97 are revoked.

2. This Regulation comes into force on July 1, 1998.

27/98

## ONTARIO REGULATION 303/98

made under the  
INSURANCE ACTMade: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 403/96

(Statutory Accident Benefits Schedule—Accidents on or after  
November 1, 1996)

Note: Ontario Regulation 403/96 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. (1) Subsection 14 (4) of Ontario Regulation 403/96 is amended by striking out "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission" in the fourth and fifth lines and substituting "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission or Financial Services Commission of Ontario".

(2) Subsection 14 (5) of the Regulation is amended by striking out "Ontario Insurance Commission" in the fifth line and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

2. (1) Subsection 15 (6) of the Regulation is amended by striking out "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission" in the fourth, fifth and sixth lines and substituting "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission or Financial Services Commission of Ontario".

(2) Subsection 15 (11) of the Regulation is amended by striking out "Ontario Insurance Commission" in the fifth and sixth lines and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

3. Subsection 17 (2) of the Regulation is amended by striking out the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission" in the fourth, fifth and sixth lines and substituting "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission or Financial Services Commission of Ontario".

4. (1) Subsection 24 (2) of the Regulation is amended by striking out "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission" in the fourth and fifth lines and substituting "the *Professional Fees Guidelines* published in *The Ontario Gazette* by the Ontario Insurance Commission or Financial Services Commission of Ontario".

(2) Subsection 24 (3) of the Regulation is amended by striking out "Ontario Insurance Commission" in the fifth line and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

5. Subsection 27 (3.1) of the Regulation is amended by striking out "Commissioner" and substituting "Commissioner of Insurance".

## RÈGLEMENT DE L'ONTARIO 303/98

pris en application de la  
LOI SUR LES ASSURANCESpris le 17 juin 1998  
déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 403/96

(Annexe sur les indemnités d'accident légales —  
Accidents survenus le 1<sup>er</sup> novembre 1996 ou après ce jour)

Remarque : Le Règlement de l'Ontario 403/96 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. (1) Le paragraphe 14 (4) du Règlement de l'Ontario 403/96 est modifié par substitution de «dans les directives concernant les honoraires professionnels, dans leurs versions successives, publiées dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «dans la directive intitulée *Professional Fees Guidelines*, dans ses versions successives, publiée dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario» aux quatre dernières lignes.

(2) Le paragraphe 14 (5) du Règlement est modifié par substitution de «par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «par la Commission des assurances de l'Ontario» aux cinquième et sixième lignes.

2. (1) Le paragraphe 15 (6) du Règlement est modifié par substitution de «dans les directives concernant les honoraires professionnels, dans leurs versions successives, publiées dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «dans la directive intitulée *Professional Fees Guidelines*, dans ses versions successives, publiée dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario» aux trois dernières lignes.

(2) Le paragraphe 15 (11) du Règlement est modifié par substitution de «par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «par la Commission des assurances de l'Ontario» aux cinquième et sixième lignes.

3. Le paragraphe 17 (2) du Règlement est modifié par substitution de «dans les directives concernant les honoraires professionnels, dans leurs versions successives, publiées dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «dans la directive intitulée *Professional Fees Guidelines*, dans ses versions successives, publiée dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario» aux quatre dernières lignes.

4. (1) Le paragraphe 24 (2) du Règlement est modifié par substitution de «dans les directives concernant les honoraires professionnels, dans leurs versions successives, publiées dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «dans la directive intitulée *Professional Fees Guidelines*, dans ses versions successives, publiée dans la *Gazette de l'Ontario* par la Commission des assurances de l'Ontario» aux trois dernières lignes.

(2) Le paragraphe 24 (3) du Règlement est modifié par substitution de «par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «par la Commission des assurances de l'Ontario» aux quatrième et cinquième lignes.

5. Le paragraphe 27 (3.1) du Règlement est modifié par substitution de «le commissaire aux assurances» à «le commissaire» à la quatrième ligne.

6. Subsection 29 (3) of the Regulation is amended by striking out "Ontario Insurance Commission" in the second and third lines and substituting "Ontario Insurance Commission or Financial Services Commission of Ontario".

7. Section 69 of the Regulation is amended by striking out "Commissioner" in the second line and substituting "Superintendent".

8. This Regulation comes into force on July 1, 1998.

6. Le paragraphe 29 (3) du Règlement est modifié par substitution de «par la Commission des assurances de l'Ontario ou par la Commission des services financiers de l'Ontario» à «par la Commission des assurances de l'Ontario» aux troisième et quatrième lignes.

7. L'article 69 du Règlement est modifié par substitution de «le surintendant» à «le commissaire» à la deuxième ligne.

8. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

27/98

## ONTARIO REGULATION 304/98

made under the  
INSURANCE ACT

Made: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 776/93

Statutory Accident Benefits Schedule—Accidents after December 31, 1993 and before November 1, 1996)

Note: Ontario Regulation 776/93 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Subsection 26 (1) of Ontario Regulation 776/93 is amended by striking out "Commissioner of Insurance" in the first line and substituting "Superintendent".

2. Subsection 38 (1) of the Regulation is amended by striking out "Commissioner of Insurance" in the first line and substituting "Superintendent".

3. Clause 44 (a) of the Regulation is amended by striking out "Commissioner of Insurance" in the first line and substituting "Superintendent".

4. Subsection 49 (1) of the Regulation is amended by striking out "Commissioner of Insurance" in the first line and substituting "Superintendent".

5. Subsection 63 (1) of the Regulation is amended by striking out "Commissioner of Insurance" in the first line and substituting "Superintendent".

6. Subsection 80 (2) of the Regulation is amended by striking out "Minister" in the second line and substituting "Superintendent".

7. Section 94 of the Regulation is amended by striking out "Commissioner of Insurance" in the second line and substituting "Superintendent".

8. This Regulation comes into force on July 1, 1998.

27/98

## RÈGLEMENT DE L'ONTARIO 304/98

pris en application de la  
LOI SUR LES ASSURANCES

pris le 17 juin 1998  
déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 776/93

(Annexe sur les indemnités d'accident légales —  
Accidents survenus après le 31 décembre 1993 mais avant le  
1<sup>er</sup> novembre 1996)

Remarque : Le Règlement de l'Ontario 776/93 n'a pas été modifié en 1997 ni en 1998. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. Le paragraphe 26 (1) du Règlement de l'Ontario 776/93 est modifié par substitution de «surintendant» à «commissaire aux assurances» aux première et deuxième lignes.

2. Le paragraphe 38 (1) du Règlement est modifié par substitution de «surintendant» à «commissaire aux assurances» aux première et deuxième lignes.

3. L'alinéa 44 a) du Règlement est modifié par substitution de «surintendant» à «commissaire aux assurances» à la première ligne.

4. Le paragraphe 49 (1) du Règlement est modifié par substitution de «surintendant» à «commissaire aux assurances» aux première et deuxième lignes.

5. Le paragraphe 63 (1) du Règlement est modifié par substitution de «surintendant» à «commissaire aux assurances» aux première et deuxième lignes.

6. Le paragraphe 80 (2) du Règlement est modifié par substitution de «surintendant» à «ministre» à la première ligne.

7. L'article 94 du Règlement est modifié par substitution de «surintendant» à «commissaire aux assurances» à la deuxième ligne.

8. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

**ONTARIO REGULATION 305/98**  
made under the  
**INSURANCE ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 283/95  
(Disputes Between Insurers)

Note: Ontario Regulation 283/95 has not previously been amended.

1. Section 4 of Ontario Regulation 283/95 is amended by striking out "Commissioner" in the second line and substituting "Superintendent".

2. This Regulation comes into force on July 1, 1998.

27/98

**ONTARIO REGULATION 306/98**  
made under the  
**INSURANCE ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending Reg. 671 of R.R.O. 1990  
(Life Companies Special Shares—Investment)

Note: Regulation 671 has not previously been amended.

1. Clause 3 (1) (h) of Regulation 671 of the Revised Regulations of Ontario, 1990 is amended by striking out "Minister" in the twelfth and thirteenth lines and substituting "Superintendent".

2. Clause 4 (1) (e) of the Regulation is amended by striking out "Minister" in the eleventh and twelfth lines and substituting "Superintendent".

3. Subsection 8 (1) of the Regulation is amended by striking out "Minister" in the second line and substituting "Superintendent".

4. This Regulation comes into force on July 1, 1998.

27/98

**ONTARIO REGULATION 307/98**  
made under the  
**PENSION BENEFITS ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending Reg. 909 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 909 has been amended by Ontario Regulations 286/97 and 415/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Section 2 of Regulation 909 of the Revised Regulations of Ontario, 1990 is revoked.

2. (1) Clause 4 (6) (b) of the Regulation is amended by striking out "the Superintendent and the Commission are" in the first line and substituting "the Superintendent is".

(2) Subsection 4 (7) of the Regulation is amended by striking out "the Superintendent shall submit the report to the Commission" in the fourth and fifth lines and substituting "the actuary shall submit the report to the Superintendent".

(3) Subsection 4 (8) of the Regulation is amended by striking out "and need not submit the report to the Commission" in the fifth line and substituting "and the actuary need not submit the report to the Superintendent".

(4) Subsection 4 (9) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

3. Clause 6 (5) (d) of the Regulation is amended by striking out "Commission" in the first line and substituting "Superintendent".

**RÈGLEMENT DE L'ONTARIO 307/98**  
pris en application de la  
**LOI SUR LES RÉGIMES DE RETRAITE**

pris le 17 juin 1998  
déposé le 19 juin 1998

modifiant le Règl. 909 des R.R.O. de 1990  
(Dispositions générales)

Remarque : Depuis le 1<sup>er</sup> janvier 1997, le Règlement 909 a été modifié par les Règlements de l'Ontario 286/97 et 415/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

1. L'article 2 du Règlement 909 des Règlements refondus de l'Ontario de 1990 est abrogé.

2. (1) L'alinéa 4 (6) b) du Règlement est modifié par substitution de «le surintendant est» à «le surintendant et la Commission sont» à la première ligne.

(2) Le paragraphe 4 (7) du Règlement est modifié par substitution de «selon le cas, et l'actuaire lui présente le rapport» à «selon le cas. Il présente le rapport à la Commission» à la dernière ligne.

(3) Le paragraphe 4 (8) du Règlement est modifié par substitution de «et l'actuaire n'a pas besoin de le lui présenter» à «et n'a pas besoin de le présenter à la Commission» à la dernière ligne.

(4) Le paragraphe 4 (9) du Règlement est modifié par substitution de «au surintendant» à «à la Commission» aux première et deuxième lignes.

3. L'alinéa 6 (5) d) du Règlement est modifié par substitution de «le surintendant» à «la Commission» à la première ligne.

4. (1) Subclause 8 (1) (b) (iii) of the Regulation is amended by striking out "Commission" in the third line and substituting "Superintendent".

(2) Clause 8 (2) (b) of the Regulation is revoked and the following substituted:

(b) notice of proposal to wind up the pension plan was given to the Superintendent of Pensions before December 18, 1991.

5. (1) Subsection 10 (1) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

(2) Subsection 10 (11) of the Regulation is amended by striking out "Commission" in the third line and substituting "Superintendent".

6. Clause 10.1 (1) (b) of the Regulation is amended by striking out the portion before subclause (i) and substituting the following:

(b) if the Superintendent is satisfied, on the basis of such information and evidence as he or she may require from the employer or administrator, that,

. . . . .

7. Section 12 of the Regulation is amended by striking out "Commission" in the third line and substituting "Superintendent".

8. (1) Subsections 18 (2) to (5) of the Regulation are revoked.

(2) Section 18 of the Regulation is amended by adding the following subsection:

(8.1) A certificate referred to in subsection (7) or (8) must be in a form approved by the Superintendent.

9. Subsection 19 (5.1) of the Regulation is amended by striking out "with the Superintendent" in the fifth line.

10. (1) Paragraph 5 of subsection 25 (1) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

(2) Paragraph 7 of subsection 25 (1) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

(3) Subsection 25 (2) of the Regulation is revoked and the following substituted:

(2) The employer shall file a copy of the notice required by subsection 78 (2) of the Act before transmitting it to the persons required by that subsection.

(4) Subsection 25 (4) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

11. Section 27 of the Regulation is revoked.

12. (1) Clause 28 (2) (t) of the Regulation is amended by striking out "Pension Commission of Ontario" in the second line and substituting "Superintendent".

(2) Clause 28 (5) (e) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

(3) Clause 28 (5) (g) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

(4) Subsection 28 (5.1) of the Regulation is revoked and the following substituted:

4. (1) Le sous-alinéa 8 (1) b) (iii) du Règlement est modifié par substitution de «le surintendant» à «la Commission» à la deuxième ligne.

(2) L'alinéa 8 (2) b) du Règlement est abrogé et remplacé par ce qui suit :

b) l'avis de proposition de liquidation du régime a été donné au surintendant des régimes de retraite avant le 18 décembre 1991.

5. (1) Le paragraphe 10 (1) du Règlement est modifié par substitution de «le surintendant» à «la Commission» à la deuxième ligne.

(2) Le paragraphe 10 (11) du Règlement est modifié par substitution de «au surintendant» à «à la Commission» à la troisième ligne.

6. L'alinéa 10.1 (1) b) du Règlement est modifié par substitution de ce qui suit au passage qui précède le sous-alinéa (i) :

b) le surintendant est convaincu, sur la foi des renseignements et de la preuve qu'il peut exiger de l'employeur ou de l'administrateur, de ce qui suit :

. . . . .

7. L'article 12 du Règlement est modifié par substitution de «au surintendant» à «à la Commission» à la troisième ligne.

8. (1) Les paragraphes 18 (2) à (5) du Règlement sont abrogés.

(2) L'article 18 du Règlement est modifié par adjonction du paragraphe suivant :

(8.1) Le certificat visé au paragraphe (7) ou (8) est rédigé sous la forme approuvée par le surintendant.

9. Le paragraphe 19 (5.1) du Règlement est modifié par suppression de «auprès du surintendant» à la sixième ligne.

10. (1) La disposition 5 du paragraphe 25 (1) du Règlement est modifiée par substitution de «au surintendant» à «à la Commission» à la troisième ligne.

(2) La disposition 7 du paragraphe 25 (1) du Règlement est modifiée par substitution de «du surintendant» à «de la Commission» à la deuxième ligne.

(3) Le paragraphe 25 (2) du Règlement est abrogé et remplacé par ce qui suit :

(2) L'employeur dépose une copie de l'avis exigé par le paragraphe 78 (2) de la Loi avant de le transmettre aux personnes visées à ce paragraphe.

(4) Le paragraphe 25 (4) du Règlement est modifié par substitution de «du surintendant» à «de la Commission» aux deuxième et troisième lignes.

11. L'article 27 du Règlement est abrogé.

12 (1) L'alinéa 28 (2) t) du Règlement est modifié par substitution de «du surintendant» à «de la Commission des régimes de retraite de l'Ontario» aux deuxième et troisième lignes.

(2) L'alinéa 28 (5) (e) du Règlement est modifié par substitution de «au surintendant» à «à la Commission» à la troisième ligne.

(3) L'alinéa 28 (5) (g) du Règlement est modifié par substitution de «du surintendant» à «de la Commission» à la deuxième ligne.

(4) Le paragraphe 28 (5.1) du Règlement est abrogé et remplacé par ce qui suit :



(5.1) The employer shall file a copy of the notice required by subsection 78 (2) of the Act before transmitting it to the persons required by that subsection.

(5) Subsection 28 (6) of the Regulation is amended by striking out "Commission" in the second line and substituting "Superintendent".

13. (1) Clause 29 (7) (c) of the Regulation is revoked and the following substituted:

(c) with respect to which no order has been made under subsection 83 (1) of the Act.

(2) Subsection 29 (8) of the Regulation is amended by striking out "a declaration under subsection 83 (2) of the Act is made" in the 14th and 15th lines and substituting "an order is made under subsection 83 (1) of the Act".

(3) Clause 29 (9) (c) of the Regulation is amended by striking out "where the Commission has made a declaration under section 83 of the Act" in the first and second lines and substituting "where an order has been made under subsection 83 (1) of the Act".

14. Section 33 of the Regulation is amended,

(a) by striking out "Where the Commission makes a declaration" in the first line and substituting "Where an order is made"; and

(b) by striking out "declaration" in the last line and substituting "order".

15. (1) Subsection 34 (1) of the Regulation is amended,

(a) by striking out "Where the Commission has made a declaration under subsection 83 (1) of the Act" in the first and second lines and substituting "Where an order has been made under subsection 83 (1) of the Act"; and

(b) by striking out "at the time of the declaration" in the third and fourth lines and substituting "when the order is made".

(2) Subsection 34 (2) of the Regulation is amended,

(a) by striking out "Where the Commission has made a declaration under subsection 83 (1) of the Act" in the first and second lines and substituting "Where an order has been made under subsection 83 (1) of the Act"; and

(b) by striking out "at the time of the declaration" in the third line and substituting "when the order is made".

(3) Subsection 34 (5) of the Regulation is amended by striking out "the Commission makes a declaration" in the first line and substituting "an order is made".

(4) Subsection 34 (7) of the Regulation is amended by striking out "Commission" in the first line and substituting "Superintendent".

16. (1) Paragraph 2 of subsection 45 (1) of the Regulation is revoked and the following substituted:

2. Any documents relating to the pension plan that must be filed in support of an application for registration of the plan under subsection 9 (2) of the Act (or under a predecessor to that subsection) or in support of an application for registration of an amendment to the plan under subsection 12 (2) of the Act (or under a predecessor to that subsection).

(2) Paragraph 4 of subsection 45 (1) of the Regulation is revoked and the following substituted:

(5.1) L'employeur dépose une copie de l'avis exigé par le paragraphe 78(2) de la Loi avant de le transmettre aux personnes visées à ce paragraphe.

(5) Le paragraphe 28 (6) du Règlement est modifié par substitution de «du surintendant» à «de la Commission» à la deuxième ligne.

13. (1) L'alinéa 29 (7) c) du Règlement est abrogé et remplacé par ce qui suit :

c) à l'égard duquel aucun ordre n'a été donné aux termes du paragraphe 83 (1) de la Loi.

(2) Le paragraphe 29 (8) du Règlement est modifié par substitution de «jusqu'à ce qu'un ordre soit donné aux termes du paragraphe 83 (1) de la Loi» à «jusqu'à ce que la déclaration prévue au paragraphe 83 (2) de la Loi soit faite» aux deuxième et troisième lignes.

(3) L'alinéa 29 (9) c) du Règlement est modifié par substitution de «si un ordre a été donné aux termes du paragraphe 83 (1) de la Loi» à «si la Commission a fait la déclaration prévue à l'article 83 de la Loi» aux première et deuxième lignes.

14. L'article 33 du Règlement est modifié :

a) par substitution de «Lorsqu'un ordre est donné» à «Lorsque la Commission fait une déclaration» à la première ligne;

b) par substitution de «l'ordre» à «la déclaration» à la dernière ligne.

15. (1) Le paragraphe 34 (1) du Règlement est modifié :

a) par substitution de «Lorsqu'un ordre a été donné» à «Lorsque la Commission a fait une déclaration» à la première ligne;

b) par substitution de «lorsque l'ordre est donné» à «au moment de la déclaration» aux troisième et quatrième lignes.

(2) Le paragraphe 34 (2) du Règlement est modifié :

a) par substitution de «Lorsqu'un ordre a été donné» à «Lorsque la Commission a fait une déclaration» à la première ligne;

b) par substitution de «lorsque l'ordre est donné» à «au moment de la déclaration» à la quatrième ligne.

(3) Le paragraphe 34 (5) du Règlement est modifié par substitution de «un ordre est donné» à «la Commission fait une déclaration» à la première ligne.

(4) Le paragraphe 34 (7) du Règlement est modifié par substitution de «le surintendant» à «la Commission» à la première ligne.

16. (1) La disposition 2 du paragraphe 45 (1) du Règlement est abrogée et remplacée par ce qui suit :

2. Les documents du régime qui doivent être déposés à l'appui de la demande d'enregistrement du régime, aux termes du paragraphe 9 (2) de la Loi (ou d'une disposition qu'il remplace), ou à l'appui d'une demande d'enregistrement d'une modification du régime, aux termes du paragraphe 12 (2) de la Loi (ou d'une disposition qu'il remplace).

(2) La disposition 4 du paragraphe 45 (1) du Règlement est abrogée et remplacée par ce qui suit :

4. Any documents relating to a previous version of the pension plan that must be filed in support of an application for registration of the plan under subsection 9 (2) of the Act (or under a predecessor to that subsection) or in support of an application for registration of an amendment to the plan under subsection 12 (2) of the Act (or under a predecessor to that subsection).

**(3) Paragraph 9 of subsection 45 (1) of the Regulation is revoked and the following substituted:**

9. Copies of correspondence in respect of the pension plan between the administrator and any of the following persons within five years before the date of the request, but not personal information that relates to a member or former member unless the consent of the member or former member is obtained:

- i. the Commission or the Pension Commission of Ontario or a person employed in the Office of either of them,
- ii. the Superintendent or the Superintendent of Pensions or a person employed in the Office of either of them.

**(4) Subsections 45 (2) to (4) of the Regulation are revoked.**

**17. Subsection 76 (1) of the Regulation is amended by striking out "with the Commission" in the first line.**

**18. Part III of the Regulation is revoked.**

**19. This Regulation comes into force on July 1, 1998.**

4. Les documents d'une version précédente du régime qui doivent être déposés à l'appui de la demande d'enregistrement du régime, aux termes du paragraphe 9 (2) de la Loi (ou d'une disposition qu'il remplace), ou à l'appui d'une demande d'enregistrement d'une modification du régime, aux termes du paragraphe 12 (2) de la Loi (ou d'une disposition qu'il remplace).

**(3) La disposition 9 du paragraphe 45 (1) du Règlement est abrogée et remplacée par ce qui suit :**

9. Des copies de la correspondance relative au régime échangée entre l'administrateur et l'une ou l'autre des personnes suivantes au cours des cinq années précédant la date de la demande, à l'exception des renseignements personnels concernant un participant ou un ancien participant à moins que celui-ci n'y ait consenti :

- i. la Commission ou la Commission des régimes de retraite de l'Ontario ou une personne employée au bureau de l'une ou de l'autre,
- ii. le surintendant ou le surintendant des régimes de retraite ou une personne employée au bureau de l'un ou de l'autre.

**(4) Les paragraphes 45 (2) à (4) du Règlement sont abrogés.**

**17. Le paragraphe 76 (1) du Règlement est modifié par suppression de «auprès de la Commission» à la première ligne.**

**18. La partie III du Règlement est abrogée.**

**19. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.**

27/98

---

**ONTARIO REGULATION 308/98**  
made under the  
**REGISTERED INSURANCE BROKERS ACT**

Made: June 17, 1998  
Filed: June 19, 1998

**COMPOSITION OF COUNCIL**

1. Despite clauses 6 (2) (a) and (b) of the Act,
- (a) the number of individual members of the Corporation elected to the Council by the members of the Corporation shall be nine; and
  - (b) the number of persons appointed to the Council by the Lieutenant Governor in Council shall be four.

**2. Regulation 989 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 374/94 are revoked.**

27/98



**ONTARIO REGULATION 309/98**  
made under the  
**REGISTERED INSURANCE BROKERS ACT**

Made: June 18, 1998  
Filed: June 19, 1998

Amending Reg. 991 of R.R.O. 1990  
(General)

Note: Regulation 991 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Sections 2, 3 and 4 of Regulation 991 of the Revised Regulations of Ontario, 1990 are revoked.**

**2. Subsection 5 (1) of the Regulation is amended by striking out "and" at the end of clause (a) and by adding the following clauses:**

(c) the individual carries on the business of an insurance broker as a sole proprietor, as a partner of a partnership or as an employee of a member who is a sole proprietor, partnership or corporation; and

(d) the individual complies with the continuing education requirements established by the Council.

**3. Section 13 of the Regulation is revoked.**

**4. Subsection 16 (6) of the Regulation is revoked and the following substituted:**

(6) A member shall ensure that the member is at all times able to meet all of the member's trust obligations from,

(a) money in the member's trust account;

(b) investments held by the member in trust; and

(c) the member's trust funds receivable, excluding premiums that have been receivable for more than 90 days.

**5. Subsection 20 (1) of the Regulation is amended by striking out "\$500,000" in the sixth line and substituting "\$1,000,000".**

**6. (1) Subsection 21 (1) of the Regulation is amended by striking out "in Form 1" in the third line and substituting "in the form approved by the Council".**

**(2) Subsection 21 (2) of the Regulation is amended by striking out "in Form 1" in the third line and substituting "in the form approved by the Council".**

**(3) Subsections 21 (3) and (4) of the Regulation are revoked.**

**7. The Regulation is amended by adding the following section:**

**24. (1) A member who carries on business as an insurance broker or who is a partner of or is employed by a member carrying on business as an insurance broker shall maintain a mailing address for the purpose of section 28 of the Act that is the address where the business is carried on and that is not a post office box number.**

**(2) Subsection (1) does not apply to an individual member whose certificate has been suspended.**

(3) An individual member whose certificate has been suspended shall not maintain a mailing address for the purpose of section 28 of the Act that is the address of a residence and is a post office box number.

**8. Forms 1, 2A, 2B, 2C, 3A and 3B of the Regulation are revoked.**

27/98

**ONTARIO REGULATION 310/98**  
made under the  
**INSURANCE ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 670 of R.R.O. 1990  
(General)

**1. Regulation 670 of the Revised Regulations of Ontario, 1990 is revoked.**

27/98

**ONTARIO REGULATION 311/98**  
made under the  
**INSURANCE ACT**

Made: June 18, 1998  
Filed: June 19, 1998

Revoking Reg. 673 of R.R.O. 1990  
(Order under Paragraph 1 of Subsection 108 (2) of the Act—  
Rates of Interest)

**1. Regulation 673 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 120/91, 201/92, 764/92, 782/92, 385/93, 424/94, 239/95, 40/96 and 233/97 are revoked.**

27/98

**ONTARIO REGULATION 312/98**  
made under the  
**INSURANCE ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 675 of R.R.O. 1990  
(Schedule of Fees)

**1. Regulation 675 of the Revised Regulations of Ontario, 1990 and Ontario Regulations 230/92 and 762/94 are revoked.**

**2. This Regulation comes into force on July 1, 1998.**

27/98

**ONTARIO REGULATION 313/98**  
made under the  
**INVESTMENT CONTRACTS ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 679 of R.R.O. 1990  
(Registration)

**1. Regulation 679 of the Revised Regulations of Ontario, 1990 is revoked.**

27/98

**ONTARIO REGULATION 314/98**  
made under the  
**CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

Made: June 17, 1998  
Filed: June 19, 1998

Amending O. Reg. 76/95  
(Credit Unions)

Note: Since January 1, 1997, Ontario Regulation 76/95 has been amended by Ontario Regulation 414/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Ontario Regulation 76/95 is amended by adding the following section:**

**0.1** In the Act and in this Regulation,

“bank” means a bank to which the *Bank Act* (Canada) applies.

**2. Section 1 of the Regulation is amended by adding the following subsection:**

(2) For the purposes of this Regulation, a lodgement of title is not a mortgage.

**3. (1) Paragraph 4 of subsection 6 (1) of the Regulation is revoked and the following substituted:**

4. The name of each of its directors and officers, the municipality in which each resides, the principal occupation of each of them and the title of each officer.

**(2) Paragraph 22 of subsection 6 (1) of the Regulation is revoked and the following substituted:**

22. Such other information as is required by the *Guideline on Offering Statements for Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

**4. Section 7 of the Regulation is revoked.**

**5. The Regulation is amended by adding the following section:**

**8.1 (1)** A credit union may give any person or entity a notice respecting an offering after the offering statement is filed and before the Superintendent issues a receipt.

(2) The notice must contain the following information:

**RÈGLEMENT DE L'ONTARIO 314/98**  
pris en application de la  
**LOI DE 1994 SUR LES CAISSES POPULAIRES ET LES CREDIT UNIONS**

pris le 17 juin 1998  
déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 76/95  
(Caisses populaires)

Note: Depuis le 1<sup>er</sup> janvier 1997, le Règlement de l'Ontario 76/95 a été modifié par le Règlement de l'Ontario 414/97. Pour les modifications antérieures, voir la Table des règlements qui figure dans les Lois de l'Ontario de 1996.

**1. Le Règlement de l'Ontario 76/95 est modifié par adjonction de l'article suivant :**

**0.1** La définition qui suit s'applique à la Loi et au présent règlement.

«banque» Banque à laquelle s'applique la *Loi sur les banques* (Canada).

**2. L'article 1 du Règlement est modifié par adjonction du paragraphe suivant :**

(2) Pour l'application du présent règlement, le dépôt d'un titre ne constitue pas une hypothèque.

**3. (1) La disposition 4 du paragraphe 6 (1) du Règlement est abrogée et remplacée par ce qui suit :**

4. Le nom et la profession principale de ses administrateurs et dirigeants, la municipalité dans laquelle chacun réside ainsi que le poste occupé par chacun des dirigeants.

**(2) La disposition 22 du paragraphe 6 (1) du Règlement est abrogée et remplacée par ce qui suit :**

22. Tout autre renseignement exigé par le document intitulé *Lignes directrices concernant les notes d'information à l'intention des caisses populaires et credit unions de l'Ontario*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

**4. L'article 7 du Règlement est abrogé.**

**5. Le Règlement est modifié par adjonction de l'article suivant :**

**8.1 (1)** La caisse peut donner un avis concernant une offre à toute personne ou entité après le dépôt de la note d'information, mais avant que le surintendant ne délivre un reçu.

(2) L'avis comprend les renseignements suivants :

1. A detailed description of the security that the credit union proposes to issue.
2. The price of the security, if the price has been determined.
3. The name and address of a person from whom the securities may be purchased.

(3) The notice must include the following statements in conspicuous, bold type on the front cover, in the same language as is used in the offering statement:

1. This is not an offer to sell the securities described in this document.
2. The securities described in this document cannot be sold until after the Superintendent of Financial Services issues a receipt for an offering statement. You are advised to read the offering statement approved by the Superintendent, because the terms and conditions may be changed significantly.
3. The Superintendent may refuse to issue a receipt, in which case the securities described in this document will not be offered for sale.

**6. Section 10 of the Regulation is revoked.**

**7. (1) Paragraph 4 of subsection 14 (2) of the Regulation is revoked and the following substituted:**

4. The amount of any other instrument permitted to be included in the credit union's regulatory capital under the *Capital Adequacy Guideline for Ontario's Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

**(2) Paragraph 6 of subsection 14 (3) of the Regulation is revoked and the following substituted:**

6. Any other amounts required to be included under the *Capital Adequacy Guideline for Ontario's Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

**(3) The French version of subsection 14 (5) of the Regulation is amended by striking out "Capital Adequacy Guideline for Ontario's Credit Unions and Caisses Populaires" in the second and third lines and substituting "Lignes directrices relatives à la suffisance du capital des caisses populaires et credit unions de l'Ontario".**

**8. (1) Section 15 of the Regulation is amended by adding the following subsection:**

**(4.1) For the purposes of subsection (4), mortgages on residential property must meet the requirements of section 68.**

**(2) Paragraph 3 of subsection 15 (6) of the Regulation is revoked and the following substituted:**

3. The value attributed to any off balance sheet exposures of the credit union as calculated in accordance with the *Capital Adequacy Guideline for Ontario's Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

**9. Subsection 19 (7) of the Regulation is amended by striking out "Director" in the second line and substituting "Superintendent".**

**10. (1) Subsection 20 (1) of the Regulation is amended by inserting after "days" in the first line "(excluding Sundays and holidays)".**

1. La description détaillée de la valeur mobilière que la caisse se propose d'émettre.

2. Le prix de la valeur mobilière, s'il est déjà fixé.

3. Le nom et l'adresse d'une personne à laquelle les valeurs mobilières peuvent être achetées.

(3) L'avis comprend les énoncés suivants qui figurent bien en vue sur la page de couverture, en caractères gras et dans la même langue que celle utilisée dans la note d'information :

1. Le présent document ne constitue pas une offre de vente des valeurs mobilières qui y sont décrites.

2. Les valeurs mobilières décrites dans le présent document ne peuvent être vendues tant que le surintendant des services financiers n'a pas délivré un reçu pour une note d'information. Il vous est conseillé de lire la note d'information approuvée par le surintendant car les conditions peuvent être modifiées considérablement.

3. Le surintendant peut refuser de délivrer un reçu, auquel cas les valeurs mobilières décrites dans le présent document ne seront pas mises en vente.

**6. L'article 10 du Règlement est abrogé.**

**7. (1) La disposition 4 du paragraphe 14 (2) du Règlement est abrogée et remplacée par ce qui suit :**

4. Le montant de tout autre effet que permet d'inclure dans le capital réglementaire de la caisse le document intitulé *Lignes directrices relatives à la suffisance du capital des caisses populaires et credit unions de l'Ontario*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

**(2) La disposition 6 du paragraphe 14 (3) du Règlement est abrogée et remplacée par ce qui suit :**

6. Tout autre montant qu'oblige à inclure le document intitulé *Lignes directrices relatives à la suffisance du capital des caisses populaires et credit unions de l'Ontario*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

**(3) La version française du paragraphe 14 (5) du Règlement est modifiée par substitution de «Lignes directrices relatives à la suffisance du capital des caisses populaires et credit unions de l'Ontario» à «Capital Adequacy Guideline for Ontario's Credit Unions and Caisses Populaires» aux deuxième et troisième lignes.**

**8. (1) L'article 15 du Règlement est modifié par adjonction du paragraphe suivant :**

**(4.1) Pour l'application du paragraphe (4), l'hypothèque qui grève une propriété résidentielle satisfait aux exigences de l'article 68.**

**(2) La disposition 3 du paragraphe 15 (6) du Règlement est abrogée et remplacée par ce qui suit :**

3. La valeur attribuée à tout engagement hors bilan de la caisse, calculée conformément au document intitulé *Lignes directrices relatives à la suffisance du capital des caisses populaires et credit unions de l'Ontario*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

**9. Le paragraphe 19 (7) du Règlement est modifié par substitution de «surintendant» à «directeur» à la troisième ligne.**

**10. (1) Le paragraphe 20 (1) du Règlement est modifié par insertion de «(dimanches et jours fériés non compris)» après «consécutifs» à la deuxième ligne.**

(2) Subsection 20 (2) of the Regulation is amended by striking out "Director" in the first line and substituting "Superintendent".

11. Section 21 of the Regulation is revoked and the following substituted:

21. (1) In this section,

"A" means, with respect to a credit union, the value of its assets invested in the assets described in sections 17 and 18;

"B" means, with respect to a credit union, the value of its borrowings that mature in less than 100 days;

"C" means, with respect to a credit union, the value of the deposits in the credit union;

"D" means, with respect to a credit union, the value of its borrowings that mature in 100 days or more.

(2) A credit union that is a member of a liquidity pool or that has a line of credit with a financial institution, Credit Union Central of Canada or the Caisse Centrale Desjardins shall maintain sufficient assets described in sections 17 and 18 so that the amount calculated using the formula ( A - B ) is at least 6 per cent of the amount calculated using the formula ( C + D ).

(3) A credit union that is not described in subsection (2) shall maintain sufficient assets described in sections 17 and 18 so that the amount calculated using the formula ( A - B ) is at least 8 per cent of the amount calculated using the formula ( C + D ).

(4) A credit union that does not maintain the required percentage in assets described in sections 17 and 18 for five consecutive days (excluding Sundays and holidays) shall immediately notify the Superintendent and its league, if any, of that fact.

(5) Within 10 days after notifying the Superintendent, the credit union shall give the Superintendent a plan for the repayment of its borrowings to the extent necessary to enable the credit union to maintain the required percentage in assets described in sections 17 and 18.

12. Paragraph 17 of section 26 of the Regulation is amended by striking out "Ministry" in the second line and substituting "Superintendent".

13. Subsection 32 (1) of the Regulation is amended by adding the following paragraphs:

5. A financial leasing corporation described in subsection 74 (3).

6. A mutual fund corporation described in subsection 74 (6).

7. A mutual fund distribution corporation described in subsection 74 (7).

14. Clause 42 (4) (b) of the Regulation is amended by striking out "Director" in the third line and substituting "Superintendent".

15. Section 50 of the Regulation is revoked and the following substituted:

50. For the purposes of subsection 191 (2) of the Act, the prescribed requirements and the prescribed standards, conditions and restrictions for a credit union's investment and lending policies and procedures are as set out in the *Guideline for Prudent Investment and Lending Policies and Procedures for Ontario's Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

(2) Le paragraphe 20 (2) du Règlement est modifié par substitution de «surintendant» à «directeur» à la deuxième ligne.

11. L'article 21 du Règlement est abrogé et remplacé par ce qui suit :

21. (1) Dans le présent article :

«A» représente, relativement à une caisse, la valeur de ses éléments d'actif qui sont placés dans les éléments d'actif visés aux articles 17 et 18,

«B» représente, relativement à une caisse, la valeur de ses emprunts qui arrivent à échéance dans moins de 100 jours,

«C» représente, relativement à une caisse, la valeur des dépôts à la caisse,

«D» représente, relativement à une caisse, la valeur de ses emprunts qui arrivent à échéance dans 100 jours ou plus.

(2) Les caisses qui sont membres d'un fonds commun de liquidités ou qui ont une marge de crédit auprès d'une institution financière, de la *Credit Union Central of Canada* ou de la Caisse centrale Desjardins maintiennent suffisamment d'éléments d'actif visés aux articles 17 et 18 pour que le montant calculé selon la formule ( A - B ) soit égal à au moins 6 pour cent de celui calculé selon la formule ( C + D ).

(3) Les caisses autres que celles qui sont visées au paragraphe (2) maintiennent suffisamment d'éléments d'actif visés aux articles 17 et 18 pour que le montant calculé selon la formule ( A - B ) soit égal à au moins 8 pour cent de celui calculé selon la formule ( C + D ).

(4) La caisse qui ne maintient pas le pourcentage exigé dans les éléments d'actif visés aux articles 17 et 18 pendant cinq jours consécutifs (dimanches et jours fériés non compris) en avise immédiatement le surintendant et sa fédération, le cas échéant.

(5) Au plus tard 10 jours après avoir avisé le surintendant, la caisse lui remet un plan de remboursement de ses emprunts dans la mesure nécessaire pour permettre à la caisse de maintenir le pourcentage exigé dans les éléments d'actif visés aux articles 17 et 18.

12. La disposition 17 de l'article 26 du Règlement est modifiée par substitution de «surintendant» à «ministère» à la deuxième ligne.

13. Le paragraphe 32 (1) du Règlement est modifié par adjonction des dispositions suivantes :

5. Les sociétés de crédit-bail visées au paragraphe 74 (3).

6. Les sociétés de fonds mutuels visées au paragraphe 74 (6).

7. Les sociétés de courtage de fonds mutuels visées au paragraphe 74 (7).

14. L'alinéa 42 (4) b) du Règlement est modifié par substitution de «surintendant» à «directeur» à la troisième ligne.

15. L'article 50 du Règlement est abrogé et remplacé par ce qui suit :

50. Pour l'application du paragraphe 191 (2) de la Loi, les exigences prescrites et les normes, conditions et restrictions prescrites à l'égard des politiques et des méthodes de placement et de prêt de la caisse sont celles qui figurent dans le document intitulé *Lignes directrices pour des politiques et des méthodes prudentes de placement et de prêt à l'intention des caisses populaires et credit unions de l'Ontario*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

16. Subsection 57 (4) of the Regulation is amended by striking out "Director" in the last line and substituting "Superintendent".

17. Section 62 of the Regulation is amended by adding the following subsection:

(2) For the purposes of subsection (1), the aggregate amount of the outstanding loans made by the credit union to a person or entity and to any connected persons does not include that portion of a loan that,

- (a) is guaranteed by the Government of Canada, the government of a province or territory of Canada, a municipality or an agency of such a government or municipality; or
- (b) is secured by the person's or entity's deposits with the credit union.

18. (1) Subsection 63 (3) of the Regulation is revoked.

(2) Section 63 of the Regulation is amended by adding the following subsection:

(6) For the purposes of this section, the aggregate amount of all outstanding loans in a class does not include,

- (a) that portion, if any, of a loan that is guaranteed by the Government of Canada, the government of a province or territory of Canada, a municipality or an agency of such a government or municipality;
- (b) that portion, if any, of a loan that is secured by a person's or entity's deposits with the credit union; or
- (c) a loan made to a subsidiary of the credit union.

19. Section 64 of the Regulation is revoked.

20. Section 73 of the Regulation is revoked and the following substituted:

73. (1) For the purposes of subsection 199 (3) of the Act, "connected person" means, in relation to a person or entity, another person or entity who is one of the following:

- 1. A body corporate in which the person or entity holds or beneficially owns, directly or indirectly, at least 35 per cent of the voting securities.
- 2. An affiliate of a body corporate described in paragraph 1.
- 3. A person or entity that has a 50 per cent interest in a partnership in which the person or entity also has a 50 per cent interest.
- 4. A partnership in which the person or entity is a partner.
- 5. A trust or estate in which the person or entity has a substantial beneficial interest.
- 6. A trust or estate in respect of which the person or entity serves as a trustee or in a similar capacity.
- 7. An individual on whose financial resources the person or entity depends to repay a loan to the credit union.
- 8. A person or entity who provides security to the credit union for a loan to the person or entity.

(2) For the purposes of subsection 199 (3) of the Act, "connected person" also means, in relation to an individual, another individual who is one of the following:

- 1. A spouse who is financially dependent on the individual.

16. Le paragraphe 57 (4) du Règlement est modifié par substitution de «surintendant» à «directeur» à la dernière ligne.

17. L'article 62 du Règlement est modifié par adjonction du paragraphe suivant :

(2) Pour l'application du paragraphe (1), le solde impayé total des prêts que la caisse a consentis à une personne ou entité ainsi qu'à toute personne rattachée ne comprend pas la partie du prêt qui, selon le cas :

- a) est garantie par le gouvernement du Canada, celui d'une province ou d'un territoire du Canada ou une municipalité ou par un de leurs organismes;
- b) est garantie par des dépôts de la personne ou de l'entité à la caisse.

18. (1) Le paragraphe 63 (3) du Règlement est abrogé.

(2) L'article 63 du Règlement est modifié par adjonction du paragraphe suivant :

(6) Pour l'application du présent article, le solde impayé total des prêts consentis d'une catégorie particulière ne comprend :

- a) ni la partie d'un prêt, le cas échéant, qui est garantie par le gouvernement du Canada, celui d'une province ou d'un territoire du Canada ou une municipalité ou par un de leurs organismes;
- b) ni la partie d'un prêt, le cas échéant, qui est garantie par des dépôts d'une personne ou d'une entité à la caisse;
- c) ni le prêt consenti à une filiale de la caisse.

19. L'article 64 du Règlement est abrogé.

20. L'article 73 du Règlement est abrogé et remplacé par ce qui suit :

73. (1) Pour l'application du paragraphe 199 (3) de la Loi, «personne rattachée» s'entend, relativement à une personne ou entité, d'une autre personne ou entité qui est, selon le cas :

- 1. Une personne morale dont la personne ou l'entité est, directement ou indirectement, détenteur ou propriétaire bénéficiaire d'au moins 35 pour cent des valeurs mobilières avec droit de vote.
- 2. Un membre du même groupe que la personne morale visée à la disposition 1.
- 3. Une personne ou entité qui détient 50 pour cent des parts d'une société en nom collectif dont la personne ou l'entité détient également 50 pour cent des parts.
- 4. Une société en nom collectif dont la personne ou l'entité est un associé.
- 5. Une fiducie ou une succession dans laquelle la personne ou l'entité a un intérêt bénéficiaire important.
- 6. Une fiducie ou une succession à l'égard de laquelle la personne ou l'entité agit à titre de fiduciaire ou à titre semblable.
- 7. Un particulier de qui la personne ou l'entité dépend financièrement pour le remboursement d'un prêt à la caisse.
- 8. Une personne ou entité qui fournit une sûreté à la caisse pour un prêt consenti à la personne ou à l'entité.

(2) Pour l'application du paragraphe 199 (3) de la Loi, «personne rattachée» s'entend également, relativement à un particulier, d'un autre particulier qui est l'un des particuliers suivants :

- 1. Un conjoint qui dépend financièrement du particulier.

2. A relative of the individual or of his or her spouse who lives in the same home as the individual and who is financially dependent on him or her or on the individual's spouse.

**21. Subsection 79 (2) of the Regulation is amended by striking out "Director" in the third line and substituting "Superintendent".**

**22. Subsection 82 (1) of the Regulation is revoked and the following substituted:**

(1) For the purposes of the Act, "restricted party" means, in relation to a credit union, a person who is or has been in the preceding 12 months,

- (a) a director, officer or member of a committee of the credit union;
- (b) a spouse of a director, officer or committee member;
- (c) a relative of a person described in clause (a) or (b), if the relative lives in the home of a person described in clause (a) and is financially dependent on a person described in clause (a) or (b);
- (d) the auditor of the credit union, if the auditor is an individual;
- (e) a corporation in which a director, officer or committee member beneficially owns, directly or indirectly, more than 10 per cent of the voting shares;
- (f) a corporation controlled by a person described in clause (a), (b), (c) or (d); or
- (g) an affiliate of the credit union, other than a subsidiary.

**23. Subsection 83 (1) of the Regulation is amended by striking out "For the purposes of Part IX of the Act" in the first line and substituting "For the purposes of the Act".**

**24. Subsection 85 (2) of the Regulation is amended by striking out "Director" in the second line and substituting "Superintendent".**

**25. Sections 91 to 94 of the Regulation are revoked and the following substituted:**

91. A credit union's financial statements shall contain the information required by the *Guideline for Financial Statements for Ontario's Credit Unions and Caisses Populaires*, published in *The Ontario Gazette* by the Superintendent, as it may be amended from time to time.

**26. Part XIV to the Regulation is revoked.**

**27. (1) Subsection 101 (1) of the Regulation is amended by striking out "Director" in the first line and substituting "Superintendent".**

(2) Subsection 101 (2) of the Regulation is amended,

- (a) by striking out "Director" in the first line and substituting "Superintendent"; and
- (b) by striking out "Director's" in the second line and substituting "Superintendent's".

**28. Forms 1 to 4 of the Regulation are revoked.**

**29. This Regulation comes into force on July 1, 1998.**

2. Un parent du particulier, ou du conjoint de ce dernier, qui habite le même domicile que le particulier et qui dépend financièrement de lui ou de son conjoint.

**21. Le paragraphe 79 (2) du Règlement est modifié par substitution de «surintendant» à «directeur» à la troisième ligne.**

**22. Le paragraphe 82 (1) du Règlement est abrogé et remplacé par ce qui suit :**

(1) Pour l'application de la Loi, «personne assujettie à des restrictions» s'entend, relativement à la caisse, d'une personne qui est ou a été au cours des 12 mois précédents, selon le cas :

- a) un administrateur, un dirigeant ou un membre d'un comité de la caisse;
- b) le conjoint d'un administrateur, d'un dirigeant ou d'un membre d'un comité;
- c) un parent d'une personne visée à l'alinéa a) ou b), s'il habite le domicile d'une personne visée à l'alinéa a) et qu'il dépend financièrement d'une personne visée à l'alinéa a) ou b);
- d) le vérificateur de la caisse, s'il s'agit d'un particulier;
- e) une personne morale dont un administrateur, un dirigeant ou un membre d'un comité est, directement ou indirectement, propriétaire bénéficiaire de plus de 10 pour cent des actions assorties du droit de vote;
- f) une personne morale contrôlée par une personne visée à l'alinéa a), b), c) ou d);
- g) un membre du même groupe que la caisse, à l'exception d'une filiale.

**23. Le paragraphe 83 (1) du Règlement est modifié par substitution de «Pour l'application de la Loi» à «Pour l'application de la partie IX de la Loi» à la première ligne.**

**24. Le paragraphe 85 (2) du Règlement est modifié par substitution de «surintendant» à «directeur» à la deuxième ligne.**

**25. Les articles 91 à 94 du Règlement sont abrogés et remplacés par ce qui suit :**

91. Les états financiers de la caisse comprennent les renseignements exigés dans le document intitulé *Guideline for Financial Statements for Ontario's Credit Unions and Caisses Populaires*, avec ses modifications éventuelles, que le surintendant fait publier dans la *Gazette de l'Ontario*.

**26. La partie XIV du Règlement est abrogée.**

**27. (1) Le paragraphe 101 (1) du Règlement est modifié par substitution de «surintendant» à «directeur» à la première ligne.**

(2) Le paragraphe 101 (2) du Règlement est modifié :

- a) par substitution de «surintendant» à «directeur» à la première ligne;
- b) par substitution de «surintendant» à «directeur» à la troisième ligne.

**28. Les formules 1 à 4 du Règlement sont abrogées.**

**29. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.**

**ONTARIO REGULATION 315/98**

made under the

**CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

Made: June 17, 1998

Filed: June 19, 1998

Amending O. Reg. 77/95

(Leagues)

**Note:** Ontario Regulation 77/95 has not previously been amended.**1. Section 13 of of Ontario Regulation 77/95 is amended by adding the following subsection:**

(2) A league that is a party to a syndicated loan agreement described in section 60 of Ontario Regulation 76/95 is exempted from section 194 of the Act (loans to members only) with respect to the syndicated loan.

**2. This Regulation comes into force on July 1, 1998.**

27/98

**RÈGLEMENT DE L'ONTARIO 315/98**

pris en application de la

**LOI DE 1994 SUR LES CAISSES POPULAIRES ET LES CREDIT UNIONS**

pris le 17 juin 1998

déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 77/95

(Fédérations)

**Remarque :** Le Règlement de l'Ontario 77/95 n'a pas été modifié antérieurement.**1. L'article 13 du Règlement de l'Ontario 77/95 est modifié par adjonction du paragraphe suivant :**

(2) Les fédérations qui sont parties à un contrat de prêt syndiqué visé à l'article 60 du Règlement de l'Ontario 76/95 sont soustraites à l'application de l'article 194 de la Loi (prêts consentis aux sociétaires seulement) à l'égard du prêt syndiqué.

**2. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.****ONTARIO REGULATION 316/98**

made under the

**CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994**

Made: June 17, 1998

Filed: June 19, 1998

Amending O. Reg. 78/95

(Deposit Insurance Corporation of Ontario)

**Note:** Ontario Regulation 78/95 has not previously been amended.**1. Section 8 of Ontario Regulation 78/95 is revoked.****2. Form 1 of the Regulation is revoked.****3. This Regulation comes into force on July 1, 1998.**

27/98

**RÈGLEMENT DE L'ONTARIO 316/98**

pris en application de la

**LOI DE 1994 SUR LES CAISSES POPULAIRES ET LES CREDITS UNIONS**

pris le 17 juin 1998

déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 78/95

(Société ontarienne d'assurance-dépôts)

**Remarque :** Le Règlement de l'Ontario 78/95 n'a pas été modifié antérieurement.**1. L'article 8 du Règlement de l'Ontario 78/95 est abrogé.****2. La formule 1 du Règlement est abrogée.****3. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.**



## ONTARIO REGULATION 317/98

made under the

## CREDIT UNIONS AND CAISSES POPULAIRES ACT, 1994

Made: June 17, 1998

Filed: June 19, 1998

Amending O. Reg. 79/95

(Stabilization Funds Established under a Predecessor Act)

Note: Ontario Regulation 79/95 has not previously been amended.

1. Subsection 6 (3) of Ontario Regulation 79/95 is revoked.

2. Section 7 of the Regulation is revoked and the following substituted:

7. Despite section 6, a league may use the accumulated net earnings on the former DICO assessments to provide programs to assist its members to conduct their operations in accordance with sound business and financial practices and to maintain their sound financial condition.

3. This Regulation comes into force on July 1, 1998.

27/98

## ONTARIO REGULATION 318/98

made under the

## CO-OPERATIVE CORPORATIONS ACT

Made: June 18, 1998

Filed: June 19, 1998

Amending Reg. 178 of R.R.O. 1990  
(General)

Note: Regulation 178 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

1. Sections 1, 2, 3 and 11 of Regulation 178 of the Revised Regulations of Ontario, 1990 are revoked.

2. (1) Subclause 12 (3) (a) (iii) of the Regulation is amended by striking out "Minister" in the first line and substituting "Superintendent".

(2) Subclause 12 (3) (b) (ii) of the Regulation is amended by striking out "Minister" in the first line and substituting "Superintendent".

(3) Subsection 12 (4) of the Regulation is amended by striking out "Minister" in the first line and substituting "Superintendent".

3. Subsection 12.4 (1) of the Regulation is amended by striking out "Minister" in the fourth line and substituting "Superintendent".

4. (1) Paragraphs 1 and 2 of section 12.6 of the Regulation are revoked and the following substituted:

1. Shares issued to members if the value of such an issue does not exceed \$1,000 per member in a year and does not exceed an aggregate value of \$10,000 per member.

## RÈGLEMENT DE L'ONTARIO 317/98

pris en application de la

## LOI DE 1994 SUR LES CAISSES POPULAIRES ET LES CREDIT UNIONS

pris le 17 juin 1998

déposé le 19 juin 1998

modifiant le Règl. de l'Ont. 79/95

(Fonds de stabilisation créés en vertu d'une loi antérieure)

Remarque : Le Règlement de l'Ontario 79/95 n'a pas été modifié antérieurement.

1. Le paragraphe 6 (3) du Règlement de l'Ontario 79/95 est abrogé.

2. L'article 7 du Règlement est abrogé et remplacé par ce qui suit :

7. Malgré l'article 6, une fédération peut affecter les bénéfices nets accumulés qu'ont rapportés les anciennes cotisations à des programmes visant à aider ses membres à mener leurs activités selon des pratiques commerciales et financières saines et à maintenir une situation financière saine.

3. Le présent règlement entre en vigueur le 1<sup>er</sup> juillet 1998.

2. Debt obligations issued to members if the value of such an issue does not exceed \$1,000 per member in a year and does not exceed an aggregate value of \$10,000 per member.

(2) Section 12.6 of the Regulation is amended by adding the following paragraphs:

6. Securities issued by the co-operative to its members, if the offering does not result in the co-operative having more than \$200,000 of issued and outstanding securities.

7. Securities issued by the co-operative to Her Majesty in right of Canada or a province or territory of Canada.

8. Securities issued by the co-operative to a municipal corporation, public board or commission in Canada.

9. Securities issued by the co-operative to a bank listed in Schedule I or II to the *Bank Act* (Canada) or to the Federal Business Development Bank.

10. Securities issued by the co-operative to a loan or trust corporation registered under the *Loan and Trust Corporations Act*.

11. Securities issued by the co-operative to a credit union or league to which the *Credit Unions and Caisses Populaires Act, 1994* applies.

12. Securities issued by the co-operative to an insurance company licensed under the *Insurance Act*.

13. Securities issued by the co-operative to a subsidiary of a corporation described in paragraph 9, 10, 11 or 12 if the corporation owns all of the voting shares of the subsidiary.

14. Securities issued by the co-operative to a dealer registered under the *Securities Act* as a broker, investment dealer or securities dealer.



**5. Sections 13, 14, 15 and 16 of the Regulation are revoked.****6. Sections 17 and 18 of the Regulation are revoked and the following substituted:**

**17.** Articles of dissolution under subsection 164 (1) of the Act must be accompanied by a consent of the Corporations Tax Branch of the Ministry of Finance to the dissolution of the co-operative.

**18.** An application for an order of revival under subsection 167 (3) of the Act must be accompanied by,

- (a) a consent of the Corporations Tax Branch of the Ministry of Finance to the revival of the co-operative; and
- (b) a written statement from the Public Guardian and Trustee that he or she does not object to the revival of the co-operative.

**7. Sections 20.1, 21, 22 and 23 of the Regulation are revoked.****8. Section 24 of the Regulation is revoked and the following substituted:**

**24.** (1) For the purposes of the definition of "certified copy" in subsection 1 (1) of the Act, the Superintendent and his or her delegate, if any, are designated as persons authorized to certify a copy of a document to be a true copy.

(2) For the purposes of subsection 182 (1) of the Act, the Superintendent and his or her delegate, if any, are the officers of the Ministry who are designated as persons authorized to sign certificates.

**9. The Schedule to the Regulation is revoked.****10. Forms 1 to 3 and 6 to 16 of the Regulation are revoked.****11. This Regulation comes into force on July 1, 1998.**

27/98

**ONTARIO REGULATION 319/98**  
made under the  
**MORTGAGE BROKERS ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending Reg. 798 of R.R.O. 1990  
(General)

**Note:** Regulation 798 has not been amended in 1997 or 1998. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Regulation 798 of the Revised Regulations of Ontario, 1990 is amended by adding the following section:****INTERPRETATION****0.1 (1)** In this Regulation,

"finance company" means a corporation that meets the following criteria:

- 1. A material business activity of the corporation involves,

- i. purchasing, discounting or otherwise acquiring promissory notes, acceptances, accounts receivable, bills of sale, chattel mortgages, conditional sales contracts, drafts and other obligations representing part or all of the sales price of merchandise, or services,

- ii. factoring or purchasing and leasing personal property as part of a hire purchase or similar business, or

- iii. making secured and unsecured loans.

2. The shares of the corporation, or a corporation with which the corporation is affiliated, are listed on a stock exchange in Canada or outside Canada that is a prescribed stock exchange for the purposes of the *Income Tax Act* (Canada).

3. The corporation is not a corporation registered under the *Insurance Act* or the *Loan and Trust Corporations Act*, a bank under the *Bank Act* (Canada) or a credit union.

(2) For the purposes of this Regulation,

(a) a corporation shall be deemed to be controlled by another person or by two or more corporations if, but only if,

- (i) voting securities of the first-mentioned corporation carrying more than 50 per cent of the votes for the election of directors are held, other than by way of security only, by or for the benefit of such other person or by or for the benefit of such other corporations, and

- (ii) the votes carried by such securities are sufficient, if exercised, to elect a majority of the board of directors of the first-mentioned corporation;

(b) one corporation shall be deemed to be affiliated with another corporation if, but only if, one of them is a subsidiary of the other or both are subsidiaries of the same corporation or each of them is controlled by the same person; and

(c) a corporation shall be deemed to be a subsidiary of another corporation if, but only if,

- (i) it is controlled by,

- (A) that other, or

- (B) that other and one or more corporations each of which is controlled by that other, or

- (C) two or more corporations each of which is controlled by that other, or

- (ii) it is a subsidiary of a corporation that is that other's subsidiary.

**2. Subsection 1 (3) of the Regulation is revoked and the following substituted:**

(3) When notified by the Superintendent, the applicant shall file the fee established by the Minister for the application.

**3. Section 2 of the Regulation is revoked.****4. (1) Subsection 3 (1) of the Regulation is revoked and the following substituted:**

(1) Every registration expires one year after the date of registration shown on the certificate of registration, unless an application for renewal of registration in a form provided by the Minister, together with

the application fee established by the Minister, is filed with the Superintendent before the registration expires.

(2) Subsection 3 (8) of the Regulation is amended by striking out "Registrar" in the first line and substituting "Superintendent".

(3) Subsection 3 (9) of the Regulation is amended by striking out "Registrar" in the first line and substituting "Superintendent".

(4) Subsection 3 (10) of the Regulation is amended by striking out "Registrar" in the second line and substituting "Superintendent".

5. (1) Subsections 4 (1) and (2) of the Regulation are revoked and the following substituted:

(1) An application for registration or renewal of registration shall not be granted unless,

- (a) in the case of an individual applicant, he or she has successfully completed an educational program approved by the Superintendent relating to the business of mortgage brokers during the two years preceding the application;
- (b) in the case of an applicant that is a partnership, association, syndicate or organization of individuals, every member of the applicant has successfully completed an educational program referred to in clause (a) during the two years preceding the application; and
- (c) in the case of a corporate applicant, every active officer and director of the corporation has successfully completed an educational program referred to in clause (a) during the two years preceding the application.

(2) Subsection (1) does not apply in respect of an individual applicant, a member of an applicant referred to in clause (1) (b) or an officer or director of a corporate applicant if the individual applicant, member, officer or director,

- (a) has successfully completed an educational program referred to in clause (1) (a) at any time preceding the application; and
- (b) in the two years preceding the application,
  - (i) actively engaged in business as a mortgage broker or as a member, officer or director of a mortgage broker, or
  - (ii) was employed or authorized to arrange or deal in mortgages on behalf of a mortgage broker.

(2) Subsections 4 (4) to 4 (10) of the Regulation are revoked and the following substituted:

(4) Subsection (1) does not apply in respect of an individual applicant, a member of an applicant referred to in clause (1) (b) or an officer or director of a corporate applicant if the individual applicant, member, officer or director is a member of the Law Society of Upper Canada or a person licensed under the *Public Accountancy Act*.

(5) A corporation that is registered as a mortgage broker shall ensure that all of its directors and officers who are actively engaged in the mortgage broker business have successfully completed an educational program referred to in clause (1) (a).

(6) Subsection (5) does not apply in respect of a director or officer who is a member of the Law Society of Upper Canada or a person licensed under the *Public Accountancy Act*.

(7) Clause (1) (c) and subsection (5) do not apply to,

- (a) a finance company that is, or is an affiliate of, the lender for all of the mortgages that the finance company arranges or deals in; or
- (b) a corporation that is the lender for all of the mortgages that it arranges or deals in and that only arranges or deals in mortgages having a principal amount of \$1,000,000 or more.

6. (1) Subsection 4.1 (3) of the Regulation is amended by striking out "statement in Form 1" in the fourth line and substituting "disclosure statement in the form established by the Minister".

(2) Subsections 4.1 (5) to (9) of the Regulation are revoked and the following substituted:

(5) At least 48 hours, not including any time on a Sunday or holiday, before receiving an agreement to renew a mortgage from an investor, the mortgage broker shall deliver to the investor a completed renewal statement in the form established by the Minister, together with the following documents:

- 1. If an appraisal of the property has been done in the preceding twelve months and is available to the mortgage broker, a copy of the appraisal.
- 2. If an agreement of purchase and sale in respect of the property has been entered into in the preceding twelve months and is available to the mortgage broker, a copy of the agreement of purchase and sale.

(6) At the time the statement is delivered to the investor under subsection (5), the mortgage broker shall also deliver to the investor, in writing, all other information an investor of ordinary prudence would consider to be material to a decision whether to renew the mortgage.

(3) Subsection 4.1 (10) of the Regulation is amended by striking out "Subsections (3) to (9)" in the first line and substituting "Subsections (3) to (6)".

(4) Clause 4.1 (10) (f) of the Regulation is amended by striking out "the" *Investment Contracts Act*.

(5) Subsection 4.1 (10) of the Regulation is amended by striking out "or" at the end of clause (g) and by adding the following clauses:

- (i) a finance company registered under the Act; or
- (j) a corporation that is an approved lender under the *National Housing Act* (Canada).

(6) Subsection 4.1 (11) of the Regulation is revoked.

7. (1) Clause 4.6 (1) (a) of the Regulation is revoked and the following substituted:

- (a) a completed statement of mortgage in the form established by the Minister;

(2) Subsections 4.6 (3) to (6) of the Regulation are revoked and the following substituted:

- (3) The time period prescribed by subsection (1) does not apply if,
  - (a) no brokerage fee is payable by the borrower to the mortgage broker for the mortgage;
  - (b) the lender for the mortgage is,
    - (i) a corporation registered under the *Insurance Act* or the *Loan and Trust Corporations Act*,

- (ii) a bank under the *Bank Act* (Canada),
- (iii) a credit union, or
- (iv) a finance company; and
- (c) the mortgage broker delivers the documents referred to in clauses (1) (a), (b) and (c) to the borrower before the borrower signs the mortgage instrument or the commitment to enter into the mortgage.
- (4) The time period prescribed by subsection (1) does not apply if,
  - (a) no brokerage fee is payable by the borrower to the mortgage broker for the mortgage;
  - (b) the lender for the mortgage is a corporation that is an approved lender under the *National Housing Act* (Canada);
  - (c) the mortgage is a first mortgage; and
  - (d) the mortgage broker delivers the documents referred to in clauses (1) (a), (b) and (c) to the borrower before the borrower signs the mortgage instrument or the commitment to enter into the mortgage.

**8. Subsection 6 (3) of the Regulation is amended by,**

- (a) **striking out "Registrar" in the third line and substituting "Superintendent"; and**
- (b) **striking out "Registrar's" in the third line and substituting "Superintendent's".**

**9. (1) Subsection 7 (4.2) of the Regulation is revoked.**

**(2) Section 7 of the Regulation is amended by adding the following subsections:**

(5.1) Subsections (4), (4.1) and (5) do not apply to a mortgage broker for a fiscal year if, in the fiscal year,

- (a) the mortgage broker has not, directly or indirectly, had any mortgages under administration; and
- (b) the mortgage broker has not, directly or indirectly, held any money or assets in trust, other than money held to pay property taxes.

(5.2) Every mortgage broker that is exempt from subsections (4), (4.1) and (5) for a fiscal year by virtue of subsection (5.1), other than a mortgage broker to which subsection (5.4) applies, shall file with the Superintendent a copy of the mortgage broker's financial statements as of the end of the fiscal year prepared in accordance with generally accepted accounting principles and subject to a review made by a person licensed under the *Public Accountancy Act* in accordance with generally accepted standards for review engagements.

(5.3) Financial statements filed under subsection (5.2) shall include a note confirming that, for the fiscal year,

- (a) the mortgage broker has not, directly or indirectly, had any mortgages under administration; and

- (b) the mortgage broker has not, directly or indirectly, held any money or assets in trust, other than money held to pay property taxes.

(5.4) A mortgage broker that is a corporation shall file with the Superintendent a copy of the mortgage broker's financial statements as of the end of the fiscal year, approved by the mortgage broker's board of directors, if,

- (a) the mortgage broker is exempt from subsections (4), (4.1) and (5) for a fiscal year by virtue of subsection (5.1); and
- (b) the mortgage broker is the lender for all of the mortgages that it arranges or deals in and only arranges or deals in mortgages having a principal amount of \$1,000,000 or more.

(5.5) Financial statements filed under subsection (5.4) shall be accompanied by a statement from an active officer or director of the mortgage broker confirming that, for the fiscal year,

- (a) the mortgage broker has not, directly or indirectly, had any mortgages under administration; and
- (b) the mortgage broker has not, directly or indirectly, held any money or assets in trust, other than money held to pay property taxes.

(5.6) The financial statements referred to in subsections (4.1), (5.2) and (5.4) shall be filed within 120 days after the end of the fiscal year.

(5.7) Subsections (5.1) to (5.6) apply in respect of every fiscal year that ends on or after July 1, 1998.

**10. Clause 8 (r) of the Regulation is amended by striking out "Registrar" in the second line and substituting "Superintendent".**

**11. Forms 1 and 2 of the Regulation are revoked.**

**12. This Regulation comes into force on July 1, 1998.**

27/98

**ONTARIO REGULATION 320/98**  
made under the  
**LOAN AND TRUST CORPORATIONS ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending Reg. 733 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 733 has been amended by Ontario Regulation 413/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Section 125 of Regulation 733 of the Revised Regulations of Ontario, 1990 is revoked and the following substituted:**

**125. The date in subsection 227 (1) of the Act is changed from July 1, 1998 to July 1, 1999.**

27/98

**ONTARIO REGULATION 321/98**  
made under the  
**COMMODITY FUTURES ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Amending Reg. 90 of R.R.O. 1990  
(General)

Note: Since January 1, 1997, Regulation 90 has been amended by Ontario Regulation 246/97. For prior amendments, see the Table of Regulations in the Statutes of Ontario, 1996.

**1. Subsection 7 (1) of Regulation 90 of the Revised Regulations of Ontario, 1990 is amended by adding the following definition:**

"futures commission merchant" means a dealer;

**2. Subsection 8 (1) of the Regulation is revoked.**

**3. Section 10 of the Regulation is revoked and the following substituted:**

**FUTURES COMMISSION MERCHANTS**

**Conditions of Registration—  
Membership on Self-Regulatory Body or Exchange**

**10. No registration or renewal of registration shall be granted to an applicant for registration as a futures commission merchant unless,**

(a) the applicant is a corporation incorporated under the laws of Canada or of a province of Canada or is a partnership or limited partnership formed under the laws of a province of Canada; and

(b) the applicant is,

(i) a member in good standing of a self-regulatory body recognized under section 15 of the Act, or

(ii) a dealer member in good standing of a commodity futures exchange registered under section 19 of the Act.

**4. (1) Subsection 11 (1) of the Regulation is amended by striking out "and introducing broker" in the second line.**

**(2) Subsection 11 (2) of the Regulation is amended by striking out "or an introducing broker" in the second and third lines.**

**5. Sections 12 and 13 of the Regulation are revoked.**

**6. Subsections 14 (2) and (3) of the Regulation are revoked and the following substituted:**

(2) A futures commission merchant is not required to maintain the amount calculated in accordance with clause (1) (b) with respect to those contracts resulting from trades executed on the instructions of another registered futures commission merchant.

**7. Subsection 15 (1) of the Regulation is revoked and the following substituted:**

(1) Every adviser that is not a member in good standing of a self-regulatory body recognized under section 15 of the Act or of a commodity futures exchange registered under section 19 of the Act shall

deliver to the Commission within 90 days after the end of the adviser's financial year a copy of the adviser's audited financial statement for the financial year prepared in accordance with generally accepted accounting principles.

**8. Section 16 of the Regulation is amended by striking out "except non-resident carrying brokers" in the first line.**

**9. Section 17 of the Regulation is amended by striking out "and introducing broker" in the first line.**

**10. Subsection 18 (1) of the Regulation is amended by striking out "except non-resident carrying brokers" in the first line.**

**11. Subsection 20 (2) of the Regulation is revoked.**

**12. Subsection 21 (1) of the Regulation is amended by striking out "and non-resident carrying brokers" in the second and third lines.**

**13. Section 23 of the Regulation is revoked and the following substituted:**

**23. Every registered futures commission merchant shall participate in,**

(a) a compensation fund that a self-regulatory body recognized under section 15 of the Act or a commodity futures exchange registered under section 19 of the Act participates in;

(b) a compensation fund established by a self-regulatory body recognized under section 15 of the Act or a commodity futures exchange registered under section 19 of the Act; or

(c) a contingency trust fund established by a trust corporation registered under the *Loan and Trust Corporations Act*.

**14. (1) Subsection 24 (1) of the Regulation is revoked and the following substituted:**

(1) Every registered futures commission merchant or adviser shall maintain books and records necessary to record properly the futures commission merchant's or adviser's business and financial affairs.

**(2) Subsection 24 (3) of the Regulation is amended by striking out "other than a registered non-resident carrying broker" in the second line.**

**15. Subsection 27 (1) of the Regulation is amended by striking out "other than a non-resident carrying broker" in the first and second lines.**

**16. (1) Subsection 35 (2) of the Regulation is amended by striking out "other than a registered non-resident carrying broker" in the third and fourth lines.**

**(2) Subsection 35 (3) of the Regulation is amended by striking out "other than a registered non-resident carrying broker" in the first and second lines.**

**17. (1) Subsection 37 (1) of the Regulation is revoked and the following substituted:**

(1) No individual shall be granted registration as a salesperson, partner or officer of a registered futures commission merchant unless the individual has successfully completed,

- (a) Parts I and II of the Canadian Futures Examination; or
- (b) such course or courses as may be required by the self-regulatory body recognized under section 15 of the Act or commodity futures exchange registered under section 19 of the Act of which the futures commission merchant is a member.

(2) Subsection 37 (6) of the Regulation is revoked and the following substituted:

(6) No person, other than an individual, or company shall be granted registration as a partner of a registered futures commission merchant unless an individual employed by the person or company and responsible for discharging the obligations of the person or company as a partner of the futures commission merchant has successfully completed,

- (a) Parts I and II of the Canadian Futures Examination; or
- (b) such course or courses as may be required by the self-regulatory body recognized under section 15 of the Act or commodity futures exchange registered under section 19 of the Act of which the futures commission merchant is a member.

18. Subsection 38 (1) of the Regulation is amended by striking out "except a non-resident carrying broker" in the first and second lines.

19. (1) Subsection 39 (1) of the Regulation is amended by striking out "introducing broker" in the second line.

(2) Clause 39 (2) (b) of the Regulation is amended by striking out "introducing broker" in the second line.

27/98

**ONTARIO REGULATION 322/98**  
made under the  
**HOSPITAL LABOUR DISPUTES ARBITRATION ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 638 of R.R.O. 1990  
(Remuneration of Chairs and Members of Arbitration Boards)

1. Regulation 638 of the Revised Regulations of Ontario, 1990 and Ontario Regulation 199/91 are revoked.

27/98

**ONTARIO REGULATION 323/98**  
made under the  
**ENVIRONMENTAL PROTECTION ACT**

Made: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 348 of R.R.O. 1990  
(Hauled Liquid Industrial Waste Disposal Sites)

1. Regulation 348 of the Revised Regulations of Ontario, 1990 is revoked.

27/98

**ONTARIO REGULATION 324/98**  
made under the  
**POWER CORPORATION ACT**

Made: June 5, 1998  
Approved: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 933 of R.R.O. 1990  
(Water Heaters)

1. Regulation 933 of the Revised Regulations of Ontario, 1990 is revoked.

ONTARIO HYDRO:

W. A. FARLINGER  
Chair

Dated on June 5, 1998.

27/98

**ONTARIO REGULATION 325/98**  
made under the  
**ENVIRONMENTAL ASSESSMENT ACT**

Made: April 3, 1998  
Approved: June 17, 1998  
Filed: June 19, 1998

Revoking Reg. 335 of R.R.O. 1990  
(Rules of Practice—Environmental Assessment Board)

1. Regulation 335 of the Revised Regulations of Ontario, 1990 is revoked.

ENVIRONMENTAL ASSESSMENT BOARD:

CARL DOMBEK  
Chair

Dated on April 3, 1998.

27/98

## ONTARIO REGULATION 326/98

made under the  
ENERGY EFFICIENCY ACT

Made: June 17, 1998

Filed: June 19, 1998

Amending O. Reg. 82/95  
(General)

Note: Ontario Regulation 82/95 has not previously been amended.

1. (1) Items 1, 2 and 3 of the Schedule to Ontario Regulation 82/95 are revoked and the following substituted:

1. Electric ranges (other than microwave cooking appliances, ranges or cook tops with tungsten halogen heating elements and portable cooking appliances designed for an electrical supply of 120 volts) that are:  (a) free-standing appliances equipped with surface elements and one or more ovens,  (b) built-in combinations of surface elements and one or more ovens,  (c) wall-mounted ovens with one or more ovens, or  (d) counter-mounted surface element assemblies.	CAN/CSA C358-M89, Energy Consumption Test Methods for Household Electric Ranges	Ranges: $E$ less than or $= 0.93V + 14.3$	March 31, 1990
		Cook tops, conventional, solid or smooth: $E$ less than or $= 34$	March 31, 1990
		Cook tops, modular type: $E$ less than or $= 43$	March 31, 1990
		Ovens, wall-mounted: $E$ less than or $= 38$	January 1, 1994
		In this Column, $E$ is the rate of energy consumption in kilowatt hours per month and $V$ is the volume of the oven in litres	
2. Household electric automatic clothes washers that are top-loaded or front-loaded, standard and compact (other than wringer washers or twin-tub washers and spinners and front loading water heating washers).	CAN/CSA C360-92, Test Method for Measuring Energy Consumption and Capacity of Automatic Household Clothes Washers	Clause 8.4 of CAN/CSA C360-92	May 14, 1995
3. Standard and compact electrically operated and heated household tumble-type clothes dryers.	CAN/CSA C361-92, Test Method for Measuring Energy Consumption and Drum Volume of Electrically Heated Household Tumble-Type Clothes Dryers	Clause 8.3, Table 8.1 of CAN/CSA C361-92	May 14, 1995

(2) Item 5 of the Schedule to the Regulation is revoked.

(3) Item 7 of the Schedule to the Regulation is revoked and the following substituted:

7. Stationary electrically heated storage water heaters with a capacity of at least 50 litres but not more than 450 litres that are intended for use on pressurized systems	CAN/CSA C191.1-M90, Performance of Electric Storage Tank Water Heaters	Clause 5 of CAN/CSA C191.1-M90	June 1, 1992
	CSA C745-95, Energy Efficiency of Electric Storage Tank Water Heaters and Heat Pump Water Heaters	Clause 7.2 or 7.3 of CSA C745-95	January 1, 1999

(4) Item 13 of the Schedule to the Regulation is revoked and the following substituted:

13. Electric induction motors of the polyphase, squirrel cage, single-speed, EEMAC/NEMA design A or B type that are at least one but not more than 200 horsepower, other than integral gear motors and motors referred to in item 13.1.	CSA C390-93, Energy Efficiency Test Methods for Three-Phase Induction Motors	Table 2 of CSA C390-93	January 1, 1996
13.1 Electric induction motors of the polyphase, squirrel cage, single-speed, EEMAC/NEMA design A or B type that are at least one but not more than 15 horsepower and that are an integral component of original air conditioning or heat pump equipment	CSA C390 M1985, Energy Efficiency Test Methods for Three Phase Induction Motors	Table 3 of CSA C390 M1985	April 1, 1993
	CSA C390-93, Energy Efficiency Test Methods for Three-Phase Induction Motors	Table 2 of CSA C390-93	March 1, 1998

(5) Item 22 of the Schedule to the Regulation is revoked and the following substituted:

22. Cobra-head type luminaires using 50 to 400 watt high pressure sodium (HPS) lamps and small or medium prismatic glass, polycarbonate or acrylic reflectors intended for street, roadway or highway lighting.	CAN/CSA C653-92, Performance Standard for Roadway Lighting Luminaires	Table 1, Column 6 of CAN/CSA C653-92	January 1, 1996
22.1 Cobra-head type luminaires using 70 to 400 watt metal halide (MH) lamps and small or medium prismatic glass, polycarbonate or acrylic reflectors intended for street, roadway or highway lighting	CAN/CSA C653-94, Performance Standard for Roadway Lighting Luminaires	Table 2, Column 5 of CAN/CSA C653-94	January 1, 1999

(6) Item 27 of the Schedule to the Regulation is revoked and the following substituted:

27. Absorption or vapour-compression refrigeration chillers that are factory-built and equipped with centrifugal, rotary screw or positive displacement compressors with a cooling capacity of not more than 5,600 kilowatts (20,000,000 British Thermal Units), intended for application in air-conditioning systems.	CSA C743-93, Performance Standard for Rating Packaged Water Chillers	Table 10, Columns 3 and 5 of CSA C743-93	August 1, 1994
		Table 10, Columns 4 and 6 of CSA C743-93	June 1, 1999

(7) Item 34 of the Schedule to the Regulation is revoked and the following substituted:

34. Incandescent reflector lamps, from 40 watts up to and including 205 watts, rated 110 to 130 volts, with a medium or medium-skirted base and a diameter of 70 mm or larger, except coloured lamps, heat lamps, lamps used in mines, aircraft, air fields, automotive or marine applications, and lamps with an ER or BR bulb shape.	CAN/CSA C862-96, Performance Standard for Incandescent Reflector Lamps	Clause 6.2 of CAN/CSA C862-96	April 1, 1996
--	--	-------------------------------	---------------

(8) Items 40 and 41 of the Schedule to the Regulation are revoked and the following substituted:

40. Transformers of the distribution, power and dry-type, as described in CAN/CSA standards C-2, C-9, C22.2 No. 47, C88, C227.3, C227.4 and C301.1 in the following classes: distribution transformers from 25 to 3000 kVA, power transformers from 501 to 10,000 kVA and dry-type transformers from 30 to 7,500 kVA for three-phase and 25 to 333 kVA for single phase (up to 1.2 KV class).	CSA C802-94, Maximum Losses for Distribution, Power and Dry-Type Transformers	Clause 4.2, Table 1 of CSA C802-94 for distribution transformers	January 1, 1999
		Clause 4.3, Tables 2, 3 and 4 of CSA C802-94 for power transformers	January 1, 1999
		Clause 4.4, Tables 5 and 6 of CSA C802-94 for dry-type transformers	January 1, 1999
41. Compact fluorescent (CF) ballasted adapters and self-ballasted CF lamps that incorporate a screwbase, including both dimmable and nondimmable types.	CAN/CSA C861-95 Performance of Compact Fluorescent Lamps and Ballasted Adapters	Clause 6.6 and Table 1A and 1B, and Clause 6.8 and Table 2, of CAN/CSA C861-95	April 1, 1996

**(9) The Schedule to the Regulation is amended by adding the following items:**

42. Room heaters, gas fired	CGA P.4, June 1995, Testing Method for Measuring the Annual Fuel Utilization Efficiencies (AFUE) of Vented Home Heating Equipment	Up to 18,000 BTU/hour, AFUE = 57% Over 18,000 BTU/hour up to 20,000 BTU/hour, AFUE = 58% Over 20,000 BTU/hour up to 27,000 BTU/hour, AFUE = 63% Over 27,000 BTU/hour up to 46,000 BTU/hour, AFUE = 64% Over 46,000 BTU/hour, AFUE = 65%	April 1, 1999
43. Wall furnaces, gas fired	CGA P.4, June 1995, Testing Method for Measuring the Annual Fuel Utilization Efficiencies (AFUE) of Vented Home Heating Equipment	Fan Type: Up to 42,000 BTU/hour, AFUE = 73% Over 42,000 BTU/hour, AFUE = 74% Gravity Type: Up to 10,000 BTU/hour, AFUE = 59% Over 10,000 BTU/hour up to 12,000 BTU/hour, AFUE = 60% Over 12,000 BTU/hour up to 15,000 BTU/hour, AFUE = 61% Over 15,000 BTU/hour up to 19,000 BTU/hour, AFUE = 62% Over 19,000 BTU/hour up to 27,000 BTU/hour, AFUE = 63% Over 27,000 BTU/hour up to 46,000 BTU/hour, AFUE = 64% Over 46,000 BTU/hour, AFUE = 65%	April 1, 1999
44. Dusk to dawn luminaires, 120 volt, using either a 175 to 400 watt mercury vapour, 50 to 400 watt high pressure sodium (HPS), or 55 watt low pressure sodium (LPS) lamp, complete with a photocell or photo electric controller and 0.90 power factor ballast	CAN CSA C239-94, Performance Standard for Dusk to Dawn Luminaires	Table 1, Column 6 of CSA C239-94	April 1, 1999



<p>45. The following fluorescent lamps:</p> <p>(a) rapid start straight lamps, with a medium bipin base, 1200 mm (48 in) nominal overall length, and a rated wattage of 28 watts or more;</p> <p>(b) rapid start U-shaped lamps, with a medium bipin base, between 560 mm and 635 mm (22 to 25 in) nominal overall length, and a rated wattage of 28 watts or more;</p> <p>(c) rapid start high output lamps, with a recessed double contact base, 2400 mm (96 in) nominal overall length, and 0.8 ampere nominal</p> <p>(d) instant start slimline lamps, with a single pin base, 2400 mm (96 in) nominal overall length, and a rated wattage of 52 watts or more;</p> <p>(e) any fluorescent lamp that is a physical and electrical equivalent of a lamp described in (a), (b), (c) or (d), other than a lamp that is marked and marketed to promote plant growth, for cold temperature applications, as a coloured lamp, as impact resistant, as a reflector or aperture type, as designed for reprographic equipment, to produce radiation (primarily ultraviolet) or as having a colour rendering index of 82 or greater.</p>	<p>CAN/CSA C819-96, Performance of General Service Fluorescent Lamps</p>	<p>Table 1 of CAN/CSA C819-96</p>	<p>June 1, 1998</p>
--	--	---------------------------------------	---------------------

(10) The Schedule to the Regulation is amended by striking out the following at the end:

E is the rate of energy consumption in kilowatt hours per month;

V is the volume in litres of,

- (a) oven size, in the case of appliances or products referred to in item 1;
- (b) basket capacity, in the case of appliances or products referred to in item 2;
- (c) drum capacity, in the case of appliances or products referred to in item 3.

27/98









